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Wednesday,
13th May, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

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NEW DELHI

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Wednesday, 13*th May*, 1953

The House met at a Quater Past Eight of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

PRODUCTION OF *Dhoties* AND *Sarees* BY MILLS

***2084. Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Bengal Mill Owners' Association urged the Government of India directly and also through the Government of West Bengal to exempt the West Bengal Cotton Mills from the operation of the recent order restricting the production of *dhoties* and *sarees* by mills to 60 per cent., till the final decision of the Cotton Textile Enquiry Committee is taken:

(b) if so, what are the reactions of the Central Government; and

(c) what are the substantial grounds put forward by the Mill Owners' Association for favourable consideration?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. The orders of Government restrict mill production of *dhoties* only and do not apply to *sarees*.

(b) The State Government and the Association have been told that no general exemption can be granted in respect of mills in any state but individual cases for exemption will be considered on merits.

(c) That the West Bengal Mills are equipped primarily for the production of *dhoties* and *sarees* and that it will be difficult for them to change over to other varieties.

Shri S. C. Samanta: Is it a fact that West Bengal Mills do not have dyeing and other machinery to produce other kinds of cloth?

Shri Karmarkar: Yes, Sir. That is the reason why on the merits of the question, the Textile Commissioner has recently permitted seven of the Mills to increase their *dhoti* production to 20 per cent. of their normal capacity.

Shri S. C. Samanta: May I know, Sir, whether Government have made any survey about the benefits that have been derived by the handloom industry in the meantime?

Shri Karmarkar: There has been no actual survey, but it is presumed that there has been some advantage to the handloom industry.

Shri V. P. Nayar: May I know, Sir, whether the 60 per cent represents 60 per cent of the installed capacity or 60 per cent of the production last year?

Shri Karmarkar: Sixty per cent of the production last year.

Mr. Deputy-Speaker: Next question.

Several Hon. Members rose

Mr. Deputy-Speaker: Hon. Members must rise quickly.

Shri M. L. Dwivedi: What are the arrangements made by Government for distribution of the *sarees and dhoties* to be manufactured by handlooms?

Shri Karmarkar: The distribution of *dhoties* is free—unrestricted.

Shri M. L. Dwivedi: The mills are distributing their production to the entire country. Similarly, what is the arrangement made for the distribution of the handloom products so that they may reach the rural areas?

Shri Karmarkar: Their movement is unrestricted. Anyone can purchase from anywhere.

Shri N. M. Lingam: May I know, Sir, if any other State has applied for exemption.

Shri Karmarkar: Yes, I think three other States, including Bihar.

CLAIMS UNDER CONTRACTS

***2085. Sardar Hukam Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Government are aware of the judgment of Mr. Madan Mohan Singh, a Sub Judge of Delhi holding that Government of India are liable to pay for claims under contracts entered into by the Governor-General in Council even if part of the goods supplied were delivered at stations now in Pakistan and the contracts cannot be split; and

(b) if so, whether, Government have accepted their responsibility for similar contracts?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain) (a) Yes, Sir. The Sub-Judge has held so in a case where the supplies were made to a Military Stores Depot which was in the exclusive control of the Joint Defence Council.

(b) No, Sir. It has been decided to file an appeal in the East Punjab High Court against the Judgment of the Sub-Judge, Delhi.

Sardar Hukam Singh: What is the amount of claims that have been submitted to the Government in respect of such contracts?

Shri Buragohain: About the original claims, Sir, I do not know, but the award made by the umpire allowed a sum of Rs. 11,881/-.

Sardar Hukam Singh: May I know whether any other suits were filed in respect of similar contracts, and any of them dismissed by any High Courts?

Shri Buragohain: Yes, Sir. There has been another judgment by the East Punjab High Court in a case not relating to this Ministry in which the Full Bench of the East Punjab High Court has taken more or less a similar view like that held by the Sub-Judge, Delhi.

Sardar Hukam Singh: May I know whether that judgment of the High Court was contested in the Supreme Court, or whether that has been accepted by the Government?

Shri Buragohain: The East Punjab High Court has granted leave to the Government to appeal to the Supreme Court, and the matter will be taken to the Supreme Court.

Sardar Hukam Singh: May I know whether any claims have been compromised by the Government?

Shri Buragohain: No, Sir.

PRODUCTION OF DIESEL ENGINES

***2087. Shri M. L. Dwivedi:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether any schemes have been drawn up for increasing the production of diesel engines?

(b) If so, what are the schemes?

(c) What kind of assistance and from which firms of what foreign countries is likely to be taken in regard to these schemes?

(d) What are the terms promised to such firms for the offer of their technical and other kinds of assistance?

(e) What are the steps being taken by Government to implement the schemes?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir. The manufacture of diesel engines is left entirely to the private sector. The question of drawing up any scheme by the Government therefore does not arise. There are seven firms, who are manufacturing diesel engines and 8 other schemes have been approved by the Government. Particulars of all these firms are given in the statement laid on the Table of the House. [*See* Appendix XI, annexure No. 58]

(b) to (e). The questions do not arise.

श्री एम० ऐल० द्विवेदी : क्या मैं मंत्री महोदय से यह जान सकता हूं कि जितने डीजल एंजिन अपने देश में इस वक्त बन रहे हैं वह अपने देश की ज़रूरियात के लिये काफ़ी हैं और यदि नहीं हैं तो कितने प्रतिशत एंजिन अभी विदेश से मंगाये जाने के लिये सरकार मंजूर करती है ?

श्री करमरकर : जी, अभी नार्मल रिक्वायरमेंट्स के लिये काफ़ी नहीं हैं। अभी तो स्टाक बहुत है, इस लिये हम ने इम्पोर्टस बन्द कर दिये हैं। According to the Planning Commission, there will be a capacity of 51,326 and production of 46,193 by 1955—56.

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि जो सात फर्म्स अभी काम कर रही हैं और जिन आठ फ़र्म्स में विदेशों से इमदाद लेकर काम चलाया जाना है, इन के लिये सरकार ने कोई प्रोटैक्शन ऐसा रखा है या नहीं और यदि रखा है तो क्या रखा है ?

श्री करमरकर : इनके लिये प्रोटैक्शन क्या है, यह मैं मालूम कर लूंगा और बाद में कह सकूंगा। और जो इंपोर्टस के बारे में सवाल है तो जिस तरह से उन की हानि न हो, ऐसी हमारी इम्पोर्ट की पालिसी बन जाती है, कोई प्रोटैक्शन नहीं होता है ।

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि जो यह विदेशों से सहायता ली जाती है और रायल्टी दी जाती है तो इन विदेशी फ़र्मों का कोई रुपया लगा है या नहीं ?

श्री करमरकर : इन में बहुत ज्यादा स्वदेशी फंर्म्स हैं यह मैं जानता हूं ।

श्री एम० एल० द्विवेदी : नहीं, यह जो आठ फर्म्स बनाई गयी हैं Diesel Engines manufacturing scheme sanctioned by Government इन के अन्तर्गत विदेशों से सहायता ली जाती है, टैक्निकल असिस्टेंस, और उस संबन्ध में रायल्टी का ज़िक्र इस स्टेटमेंट में दिया गया है। तो मैं जानना चाहता हूं कि रायल्टीज के अलावा इन फ़र्म्स ने अपना कुछ रुपया भी लगाया है या नहीं ?

श्री करमरकर : इस के बारे में नोटिस चाहिये ।

Shri Jasani: May I know whether all the parts required for the manufacture of diesel engines are manufactured in India or some of them are imported from foreign countries?

Shri Karmarkar: Most of the parts I think, but I should like to inform myself better.

Shri S. C. Samanta: May I know whether the diesel engine manufacturing companies as mentioned in the statement will be affected in any way by the coming into production of the Machine Tool factory? If so, will any protection be granted to these companies?

Shri Karmarkar: I do not think the Machine Tools Corporation will affect the manufacture of diesel engines.

श्री एम० एल० द्विवेदी : यह जो डीजल ऐंजिन्स के नये कारखाने खोले जा रहें तो यह कब तक काम करने लग जायेंगे और इस सम्बन्ध में हम कब तक सैल्फ सफिशियेंट हो जायेंगे ।

Shri Karmarkar: I should like to find that out, but in the near future, within about a year's time.

CULTIVATORS OF ASSAM AFFECTED BY PASSPORT SYSTEM

***2089. Shri Rishang Keishing**: Will the **Prime Minister** be pleased to state:

(a) whether the attention of the Government of India has been drawn to the fact that several cultivators of Assam near the Pakistan border could not harvest the paddy crops from their lands last winter due to the introduction of passport system;

(b) if so, what the number of cultivators and acreage of land so affected are and also the quantity of paddy lost thereby;

(c) whether it is a fact that the authorities of East Pakistan have refused to issue visas to these cultivators to cultivate their lands in this season;

(d) whether the Government of India have taken up this matter with the Government of Pakistan; and

(e) if so, what are the results thereof?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika): (a) Yes, due to the inadequate issue of category 'A' visas to them by the Pakistan authorities.

(b) Complete figures are not available. In two districts of Assam, Viz. Goalpara and Cachar, 206 cultivators were affected, involving 366 acres of land, and a loss of 4364 maunds of paddy and 68 maunds of mustard.

(c) We understand that there has been great delay in the issue of Category 'A' visas to these cultivators, and that only a few visas have so far been issued.

(d) and (e). The matter has been taken up with the Government of East Bengal by the Government of Assam. It was also brought to the notice of the Pakistan representatives at the recent Passport Conference, and the latter promised to remedy it.

Shri Rishang Keishing: May I know if the Government of India have rendered any help to these affected families?

The Prime Minister (Shri Jawaharlal Nehru): The Government of India are not in direct touch with the matter. It is the Government of Assam that is dealing with it, and we are not aware if they have given any special help to them.

Shri Rishang Keishing: May I know, Sir, whether these people in future can cultivate their lands?

Shri Jawaharlal Nehru: That is our contention, that they can and should.

K. M. T. TROOPS IN BURMA

***2092. Shri A. N. Vidyalankar:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that he, in a recent interview with the Press at Dum Dum made a reference to the existence of KMT Troops within the Burmese borders;

(b) whether he had also stated that these KMT troops had been receiving, almost regularly, the supplies of arms and ammunition from Formosa;

(c) whether the Government of India consider that the presence of these hostile foreign troops in Burma constitutes a threat directly to Burmese security and also indirectly to Indian security;

(d) if so, whether the Government of India have lodged any protests; and

(e) what steps the Indian Government have taken in this matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (e). The presence of K.M.T. Troops on the Burmese border was fully discussed in the United Nations on a complaint by the Government of Burma. A resolution was passed by the General Assembly almost unanimously. The Indian Delegation supported this resolution. A copy of this resolution is placed on the Table of the House. [*See* Appendix XI, annexure No. 59]

Shri A. N. Vidyalankar: Who is there to enforce the U.N. Resolution? In the Resolution it is stated: 'Declares that these foreign forces must be disarmed and either agree to internment or leave the Union of Burma forthwith'. If they do not do so who is going to enforce the Resolution?

Shri Jawaharlal Nehru: That is for the U.N. to determine at that time. I can hardly speak on behalf of the U.N. in this matter.

Shri A. N. Vidyalankar: The resolution urges all States to afford the Government of the Union of Burma on its request all the assistance in their power to facilitate by peaceful means the evacuation of these forces from Burma. May I know whether the Government of India are going to furnish any such assistance to the Government of Burma in order to get these forces evacuated by peaceful means?

Shri Jawaharlal Nehru: The Government of India have been in close touch with the Government of Burma on this subject and have endeavoured to give them such cooperation as they could. But they are not in a position directly to help in the evacuation of forces on the Burmese-Chinese border. That presumably refers to the countries which can do so, which are geographically so situated, or otherwise.

Shri Raghuramaiah: May I know Sir, whether even after the resolution passed by the U.N. the supply of arms and ammunition from Formosa is still continuing? Have the Government of India have been in close touch subject?

Mr. Deputy-Speaker: How does it arise out of this?

Shri Raghuramaiah: This question relates to supply of arms and ammunition from Formosa. No time-limit is fixed. I would like to know the present position.

Mr. Deputy-Speaker: Arising out of (b).

Shri Jawaharlal Nehru: Well, we have no direct information on that subject, Sir.

Shri Sarangadhar Das: May I know, Sir, if it is a fact that the Formosa Government has volunteered to assist in the evacuation of these troops from Burma?

Shri Jawaharlal Nehru: Their representative in the United Nations has stated so.

PROGRAMME EXECUTIVES AND PROGRAMME ASSISTANTS OF A. I. R.

***2093. Shri N. P. Damodaran:** Will the Minister of **Information and Broadcasting** be pleased to state whether Government have decided to fill the posts of Programme Executives and Programme Assistants in the All India Radio, by selection through the Union Public Service Commission and if so, why?

The Minister of Commerce (Shri Karmarkar): Yes Sir. The posts belong to Central Services Class II and as such it is necessary to make recruitment through the Union Public Service Commission.

Shri N. P. Damodaran: May I know, Sir, how many people who are now working as Programme Executives and Programme Assistants will be thrown out of job due to this decision?

Shri Karmarkar: Thrown out of job on account of the scrutiny of the U.P.S.C?

Shri N. P. Damodaran: Yes, yes.

Shri Karmarkar: That depends upon the decision of the U.P.S.C.

Shri N. P. Damodaran: May I know, Sir, the longest period served by some of these people in the A.I.R? I am given to understand that people who have been serving for 6 and 10 years are likely to be retrenched as a result of this decision.

Shri Karmarkar: I should like to have notice.

Mr. Deputy-Speaker: Next question, No. 2094. Mr. Bansal....

Next question. No. 2095.

Shri Veeraswamy: With regard to the last question, Sir.......

Mr. Deputy-Speaker: Which question? Export Trade?

Shri Veeraswamy: Is it a fact, Sir, that some Assistant Station Directors, Programme Executives and Programme Assistants working in the Madras and Trichy stations of AIR have been reverted to lower posts and if so, why?

Mr. Deputy-Speaker: Order, order. I just called the next question and then passed on to another question. I am sorry the hon. Member is too late.

DETENTION OF INDIAN POLICE OFFICER IN PONDICHERY

***2095. Shri Ramachandra Reddi:** Will the **Prime Minister** be pleased to state:

(a) whether a police officer of Indian Union was unnecessarily detained by Pondichery French authorities;

(b) if so, the circumstances under which such a detention was made; and

(c) the action taken by the Union Government if the detention was illegal?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). On 27th March 1953, a Sub-Inspector of the Indian Union was stopped 4 times by the French authorities while proceeding through Pondicherry on duty. On one occasion he was taken to a police station and detained there for about 15 minutes. The reasons for the detention are not known. The Government have protested strongly to the French authorities, whose reply is awaited.

Shri Ramachandra Reddi: May I know, Sir, whether the reasons will be called for?

Shri Jawaharlal Nehru: I have just said we have asked for them.

PERSONS CROSSING BORDERS BY MISTAKE

***2096. Shri K. P. Sinha:** (a) Will the **Prime Minister** be pleased to state whether it is a fact that police officials of the Indian and Pakistan Punjabs have recommended the release of all such persons as are guilty of crossing the border "by mistake"?

(b) Have the Government of India received any such proposal from their own police officials?

(c) If so, what action has been taken thereon?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). In June 1952, the Inspector Generals of police of the Punjab (I) and the Punjab (P) agreed that in the interests of border peace and security, the Police on one side should hand over to the Police on the other side, a person who had unintentionally trespassed into their territory, provided that he belonged to a village situated on the border, and was not found carrying anything which was forbidden.

Shri K. P. Sinha: May I know, Sir, the number of such persons?

Shri Jawaharlal Nehru: I do not know, Sir.

Pandit D. N. Tiwary: May I know, Sir. If there is a machinery to determine whether a person has crossed over by mistake?

Mr. Deputy-Speaker: What is the machinery for?

Pandit D. N. Tiwary: I want to know whether any tribunal or machinery has been set up to ascertain......

Mr. Deputy-Speaker: Any machinery set up to prevent people crossing the border by mistake?

Pandit D. N. Tiwary: How to know that the man has intentionally or unintentionally crossed the border?

Shri Jawaharlal Nehru: Along these borders there are patrols and border check posts, and if they find somebody has crossed the border, presumably they take action. Sometimes, if they are apprehended, they shoot at sight; at other times they arrest the person and then some kind of a provisional investigation, I suppose, is made and the person is let off or detained, as the case may be.

Shri K. P. Sinha: May I know, Sir, if the cattle which were stolen have also been returned?

Mr. Deputy Speaker: The hon. Prime Minister did not follow?

Shri Jawaharlal Nehru: Something about cattle straying across the border and how they are dealt with? I hope the same rule is applied.

PAKISTANI RAID IN PURNEA DISTRICT

***2099. Sardar A. S. Saigal:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that on the 12th March, 1953, the Indian Armed Police took into custody two Pakistani raiders near the Indo-Pakistan border under Islampur Police Station in Purnea District;

(b) whether it is a fact that in this raid the raiders carried away cattle and valuables from Barogharia village under Islampur Police Station under cover of darkness;

(c) whether such raids have been brought to the notice of the Pakistan Government; and

(d) if so, the results thereof?

The Prime Minister (Shri Jawaharlal Nehru): (a) On the night of the 12th March 1953, 16 or 17 dacoits from Pakistan raided some houses in village Barogharia, Islampur Police Station, Purnea District. When intercepted by the Bihar Armed Police, the raiders opened fire, which was returned. Two of the dacoits were injured and were taken into custody. They were found to be Indian nationals who had been wanted for two or three years in a case of Islampur Police Station, and who had been absconding across the border in Pakistan.

(b) Some cash, ornaments and a few head of cattle were carried away by the dacoits.

(c) and (d). Under the existing procedure, border incidents are taken up in the first instance by the District Magistrate concerned wih his opposite number in Pakistan. Serious incidents are taken up by the State Government with the East Bengal Government. An enquiry has been made from the Bihar Government whether they have protested to the East Bengal Government.

Dr. Ram Subhag Singh: Has it come to the notice of the Government that thousands of such raiders and others have entered into Purnea district illegally?

Shri Jawaharlal Nehru: Thousands of persons?

Dr. Ram Subhag Singh: Yes.

Shri Jawaharlal Nehru: No, Sir. I am not aware of any large-scale entry.

Pandit D. N. Tiwary: May I know, Sir, whether it is in the contemplation of Government to arm the border people for self-defence?

Shri Jawaharlal Nehru: No, Sir; not indiscriminately.

भारत और नेपाल के बीच भागे हुए कैदियों का प्रत्यपंण

***२१०३. श्री रघुनाथ सिंह :** क्या **प्रधान मंत्री** बताने की कृपा करेंगे कि भागे हुये कैदियों के प्रत्यपंण के सम्बंध में भारत और नैपाल के बीच कोई समझौता हो रहा है ?

The Prime Minister (Shri Jawaharlal Nehru): Negotiations are in hand for the conclusion of a new treaty of extradition between the Governments of India and Nepal.

श्री रघुनाथ सिंह: इस समझौते में राजनैतिक कैदी भी शामिल होंगे या नहीं ?

श्री जवाहरलाल नेहरु: यह तो मैं एक दम से नहीं कह सकता, और इसका कहना भी बड़ा कठिन होता है कि कौन राजनैतिक कैदी है । कभी यह सवाल बहुत साफ़ होता है और कभी बड़ा मुश्किल होता है ।

LOAN TO MADHYA PRADESH FOR NEWSPRINT PROJECT

*2104. **Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state the total amount of loan so far given to the Government of the Madhya Pradesh for financing the newsprint project of that State?

The Minister of Commerce (Shri Karmarkar):

Year	Loan Sanctioned (in lakhs of Rs.)
1951-52	63.20
1952-53	34.13

Dr. Ram Subhag Singh: What is the total amount of loan which has been proposed to be given for that project?

Shri Karmarkar: An amount of Rs. 240 lakhs has already been given by the State to the Company. The further loan requirements are to the extent of 220 lakhs. The loans actually granted are as indicated, 63.20 and 34.13 lakhs

Dr. Ram Subhag Singh: In regard to the further loan requirements, may I know whether the estimate of the project has again gone up, and, if so, to what amount?

Shri Karmarkar: No, not since the last loan.

Shrimati Tarkeshwari Sinha: May I know whether a Committee was appointed to go into the details of the estimate and that Committee recommended Rs. 4.72 crores, but still the estimate has gone up to 6 crores, and, if so, may I know the reasons therefor?

Shri Karmarkar: To all the first three qustions, the answer is in the affirmative. The reason therefore is increased costs.

Shri T. N. Singh: At what stage of development is that concern today?

Shri Karmarkar: Part of the machinery has arrived and part has yet to arrive. As soon as the whole arrives, the project will come into operation.

Shri Jasani: May I know whether the shares of this concern have been purchased by the Central Government, and, if so, to what extent?

Shri Karmarkar: We are not purchasing any shares but we are only advancing money.

Shri Jasani: May I know when this concern is going into production?

Shri Karmarkar: We are told in about a year's time, let us wait and see.

सरदार ए० एस० सहगल: क्या मंत्री महोदय यह बताने की कृपा करेंगे कि न्यूज प्रिंट प्रोजेक्ट जो बन रहा है उस से कितने साल के भीतर हम लोगों को पेपर मिलना संभव हो सकेगा ।

श्री करमरकर: कुछ मशीनरी आ गई है और कुछ अभी आने वाली है । उस के आने के दो वर्ष बाद हम को पेपर मिलने लगेगा ।

सरदार ए० एस० सहगल: इसका कोई डैफिनेट टाइम है ?

Shri Karmarkar: It is difficult to say, Sir, because it depends upon machinery from foreign countries.

Shri Sarangadhar Das: May I know, Sir, if this is the same as the so-called Nepa Mills?

Shri Karmarkar: It is indentical.

Shri Sarangadhar Das: Have the public any shares in it?

Shri Karmarkar: Yes, Sir; 75 lakhs of rupees.

Shri Nanadas: May we know, Sir, the general idea of the newsprint project?

Shri Karmarkar: The particular idea is to produce newsprint.

Shri Heda: Are the Government aware of the fact that a similar or better project in the Hyderabad State was to be changed from the Hyderabad State hand to private hands owing to paucity of funds and the Central Government did not come to its succour?

Shri Karmarkar: I think it was producing non-newsprint.

Prof. D. C. Sharma: May I know why Madhya Pradesh was particularly selected for this purpose?

Shri Karmarkar: The particular site and the particular concern were considered suitable because they were suitable. If in other areas similar schemes come up, they will be considered.

Sardar A. S. Saigal *rose*—

Mr. Deputy-Speaker: Hon. Members cannot straightoff start putting questions.

Shri K. G. Deshmukh: In view of the big loans given by this Government to the Madhya Pradesh Government, may I know whether this Government keeps any check on the construction of the project?

Shri Karmarkar: In fact, we are examining the latest position in consultation with the Ministry of Finance and the Planning Commission and a team of government official is going to make an expert inquiry into the economics of the project before any further assistance is promised to the Madhya Pradesh Government.

Shri Jasani: May I know whether any survey has been made about the raw materials and water required for this?

Shri Karmarkar: A survey has been made and there is sufficient water and bamboo in that place.

सरदार ए० एस० सहगल : क्या यह सच है कि वहां ज्यादा बेम्बू मिलने के कारण मध्य प्रदेश चुना गया ?

श्री करमरकर : ज्यादा बेम्बू वहां पर भी मिलता है और दूसरे स्थानों पर भी मिलता है । लेकिन चूंकि वहां पर सूबिलिटी थी इस लिये हम ने उस स्थान को तय किया ।

Shri Matthen: May I know, Sir, if the Government is still satisfied that it is commercially a good proposition?

Shri Karmarkar: Sir, I did say that the Government of India have decided that an expert enquiry should be made into the economics of the project before any further assistance is promised to the Madhya Pradesh Government.

Shri Gadgil: May I know whether it is a fact that the Kanara Paper Company has asked for assistance from the Government?

Shri Karmarkar: I should like to have notice. If it has, it will receive all the sympathetic consideration.

Shrimati A. Kale: May I know what happened to the recommendations of the Shroff Committee? Are they being implemented in any way?

Shri Karmarkar: The Shroff Committee was asked to go into the matter. After that the estimates went up; and, in fact, I have already told the House what assistance we have given. That was after the Shroff Committee report.

RAILWAY LINE TO CONNECT BILKA DAM

*2105. **Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether there is a proposal that prior to construction of the Bilka Dam under Kosi Control Scheme, some Railway line will be constructed to connect the dam site;

(b) if so, the place from which the Railway line is to be constructed and important places through which it is to pass: and

(c) its estimated cost and mileage?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir. The construction of the railway line, which forms part of the project, will, however, be undertaken only after the project has been approved.

(b) and (c). The detailed project report is under preparation. It is, therefore, not possible to give the required information at this stage.

Shri L. N. Mishra: May I know whether it is a fact that the Government of Nepal had objected to the track selected by us and has suggested a new one, and, if so, what has been the final decision?

Shri Hathi: No, Sir; on the contrary we had three different alignments and one of them the Nepal Government has agreed to.

Shri L. N. Mishra: May I know, Sir, by what time the line is expected to be run?

Shri Hathi: I cannot give a definite time because that will depend on the project report being ready.

Shri L. N. Mishra: May I know, Sir, whether it is a fact that during the last meeting of the National Development Council the Chief Minister of Bihar was assured of a grant of Rs. 66 lakhs for the purpose; may I know why that provision could not be made?

Shri Hathi: The provision is about 60 lakhs.

Shri T. N. Singh: Are Government prepared to assure this House that this project will not be started at all before they have full detailed project estimates?

Shri Hathi: Definitely; the project will not be started unless Government is in the know of the full facts of the project.

Shri T. N. Singh: I mean the detailed estimates.

Shri Hathi: Yes, before the detailed estimates are ready.

FINANCIAL RESPONSIBILITY FOR KOSI CONTROL SCHEME

***2106. Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether some decision has been arrived at between the Governments of India and Nepal regarding financial responsibility of the Kosi Control Scheme; and

(b) how is the financial responsibility of the said scheme to be shared by the Governments of Bihar and India?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Not yet.

(b) The question of apportioning financial responsibility among the participating Governments will be taken up with the Governments concerned after the Project report and estimates are ready.

Shri L. N. Mishra: May I know, Sir, whether in the amount spent so far on Kosi control scheme the Bihar Government also has any share, and, if so, what is the percentage?

Shri Hathi: Fifty per cent. is being shared by the Government of Bihar.

Shri L. N. Mishra: May I know whether the amount of Rs. 40 crores provided in the Five Year Plan for the five new projects including the Kosi has been distributed on project-wise basis; if so, what is the share of Kosi?

Shri Hathi: That amount has not yet been distributed.

Shri Dabhi: How does Nepal come in, Sir.

Shri Hathi: Because the scheme is going to benefit it also.

Shri L. N. Mishra: May I know the agency through which the present expenditure of the Kosi control scheme is controlled and supervised?

Shri Hathi: The Central Water and Power Commission.

Shri L. N. Mishra: May I know whether it is a fact that a high official of the C.W.I.N.C. had visited Nepal regarding the financial responsibility of that State, and if so. May I know the nature of the talk he had?

Shri Hathi: No, not for the purpose of apportionment of financial responsibilities.

TEA EXPORT

***2110. Dr. Ram Subhag Singh:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether any quota for tea export by India has been fixed under the International Tea Agreement?

(b) If so, what is that quantity?

(c) Will India export that quantity of tea during the current financial year also?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The International Tea Committee has fixed the figure of regulation *i.e.* the permissible exportable quantity of tea from the countries participating in the International Tea Agreement, at 135 per cent. of standard export during 1953-54.

(c) It is unlikely we would, particularly as our exports even in the peak years never reached this figure.

Dr. Ram Subhag Singh: May I know, Sir, the quantity of tea which is proposed to be exported this year: whether it is going to be equal to the quantity which has been fixed by the International Tea Board?

Shri Karmarkar: We would like to export as high a quantity as possible but as I have indicated earlier even in peak years our highest export did not reach that figure, that is 135 per cent. of standard export.

Shri Raghuramaiah: May I know what position India occupied in the list of exporting countries under this Agreement?

Shri Karmarkar: I have figures with me, but I should like to have notice regarding our position. In 1951-52 the permissible export quota was 470 million lbs; but our actual export was 425 million lbs. During 1952-53 the permissible export quota was 470 million lbs, but actual exports were only 305.25 million lbs.

Shri T. K. Chaudhuri: May I know what progress has been made so far for exporting tea directly to dollar areas like the U.S.A?

Shri Karmarkar: You mean quantum of exports to dollar area?

Shri T. K. Chaudhuri: Yes.

Shri Karmarkar: I should like to have notice.

Shri N. M. Lingam: May I know whether it is a fact that the producers have agreed to a voluntary reduction of 50 million lbs of tea in the permissible export of tea for the year 1953-54?

Shri Karmarkar: The idea was to have a small wholesome reduction of exports with a view to brightening the market; but as to the precise position, I should like to have notice.

Shri A. M. Thomas: May I enquire, apart from the quota fixed by the Committee referred to by the hon. Minister, whether there used to be an agreement in the previous years between the participating countries on the quota that was to be exported by each country?

Shri Karmarkar: Yes, Sir. The quota mentioned by me represents the agreed quota. There was a discussion at a recent meeting and though we urged that the quota may be less, (at about 115 per cent.) ultimately the majority of the countries decided on 135 per cent. If we had differed from them then there would have been no decision which would not have been a very favourable state for us. It would have left each country to export whatever it liked. Therefore, we agreed to 135 per cent.

Shrimati Tarkeshwari Sinha: May I know what made our Government to ask for a smaller quota?

Shri Karmarkar: It served us better to have a smaller quota

IMPORT OF TOBACCO

*2111. **Shri Nanadas:** Will the Minister of **Commerce and Industry** be pleased to refer to the answer given to part (b) of Starred Question No. 1604. asked on 24th April, 1953 and state:

(a) the quantity and value of manufactured tobacco imported in 1951-52; and

(b) the countries from which it was imported?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 60]

Shri Nanadas: May I know, Sir, whether the manufactured tobacco imported from the U.K. and other countries is out of the raw tobacco exported from India?

Shri Karmarkar: I should not think so; but I will verify.

Shri Nanadas: May I know in what circumstances we were compelled to import tobacco from the U.K?

Shri Karmarkar: There is an assumption in that question. We are not compelled to import anything from anywhere. But this we are importing in the national interest. It is a special type of tobacco required by the cigar and cigarette manufacturers in this country. It is a very small quantity compared with our production and exports.

Shri Nanadas: May I know whether we cannot manufacture this sort of tobacco in India itself?

Shri Karmarkar: No, Sir. This particular variety of tobacco which we are importing we do not at present manufacture. We are finding it advantageous to import this small quantity of tobacco.

Shri Nanadas: May I know whether we are likely to import any quantity during the current year?

Shri Karmarkar: I should think so.

Shri T. N. Singh: Does this import of manufactured tobacco include smoking or pipe tobacco, or is it only meant for the manufacture here of cigars and cigrarettes?

Shri Karmarkar: For blenders also—and some of the fine tobacco which my hon. friend knows about.

TEA ESTATES IN ASSAM

*2112. **Shri Sanganna**: (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that European Tea planters in Assam have been contemplating to divert their capital to the Tea gardens in East Africa with a view to abandoning the Indian Tea gardens ultimately?

(b) If so, what steps do Government propose to take to protect the interests of the Indian Tea Industry?

The Minister of Commerce (Shri Karmarkar): (a) Government have no information.

(b) Does not arise.

Shri Sanganna: May I know whether Government are in receipt of such reports from any part of India?

Shri Karmarkar: I have not received any reports to the effect that they are trying to shift to **East Africa**.

Shri N. M. Lingam: Are Government not aware that some of them have already shifted to Kenya and Nyasaland?

Shri Karmarkar: I said we are not aware.

REPORT BY M. L. AS. ON HIRAKUD DAM

*2113. **Shri Gidwani**: Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the attention of Government has been drawn to a report submitted by 23 Members of the Orissa State Assembly, who visited the Hirakud Dam recently and published in the "*Times of India*" Delhi Edition dated the 24th April, 1953, on **page 5**;

(b) whether it is a fact that the work on the Dam is greatly hampered because 50 costly machines have long been idle for want of minor repairs, as stated in the above report;

(c) whether large quantities of serviceable tools and material have been scrapped, as alleged by them; and

(d) whether the members have asked for a thorough investigation into the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Government have seen the news items published in the "*Times of India*" but they are not aware of the contents of the report referred to therein. It is understood that the report was submitted to the Chief Engineer of Orissa.

(b) 32 machines are off the field at present of which only 12 have been idle for nearly a year. Sickness of these machines is of the order of 30 per cent. which is somewhat more than what it should be under ideal conditions. Work has been affected to this extent. The main difficulty has been in the procurement of spare parts for these specialised machines. Arrangements are being made for expeditious supplies.

(c) No, Sir.

(d) Government are not aware of this recommendation.

Shri Gidwani: Have the Government made any enquiry from the Government of Orissa of the facts of the case?

Shri Hathi: Yes; we have addressed a letter to the Chief Minister of Orissa in this behalf.

Shri Gidwani: What is his reply?

Shri Hathi: We have not yet received it.

Shri T. N. Singh: Is it a fact that there has been greater wear and tear of parts of some of the machines than ordinarily expected?

Shri Hathi: That has not been the case, with all the machines that have been out of order, but in the case of some that has been so.

Shri T. N. Singh: Is it true that Government or the authorities there had to import spare parts for these machines by air even, because the machines were lying idle?

Shri Hathi: Because the work was suffering some parts had to be sent for even by air.

Shri Sarangadhar Das: Will Government please obtain a copy of that report submitted by the Members of the Orissa Assembly to the Chief Minister and lay it on the Table of the House?

Shri Hathi: We shall address the Chief Minister of Orissa and get a copy of the report.

Shri Sinhasan Singh: May I know when these machines were imported and how long after their import they went out of order and have been lying idle?

Shri Hathi: I have got detailed information as to for what period each machine is lying idle. There are 32 machines in all. It will take a long time to read out the history of each machine. I am prepared to give the nesessary information to the hon. Member.

Shri Sinhasan Singh: I asked since when and how long after import have they been lying idle?

Mr. Deputy-Speaker: There are 32 machines; all of them are not lying idle simultaneously. Each one would have gone out of order at a particular time. Is he to go on reading the statement?

Shri K. K. Basu: Will the Minister gives us information about the number of machines which never worked at all?

Shri Hathi: They have worked: not that they have not worked.

Shri Altekar: May I know whether the machines were tested and they were in working order when they came to India?

Shri Hathi: They were in perfect order and they have been working. Some of them are lying idle, because specialised machine tyres are not available and some other spare parts are not available.

Shri Gidwani: What is the total cost of those machines?

Shri Hathi: These 32 machines, or all the machines?

Shri Gidwani: All the machines.

Shri Hathi: I would require notice for that.

Shri Sarangadhar Das: May I know if sufficient spare parts (say 10 per cent.) were not imported along with the machines?

Shri Hathi: Some spare parts were imported. But, unfortunately, the parts that are wanted are not here.

Shri T. N. Singh: Is it not obligatory on the part of the suppliers to keep ready with them either in stock, or supply Government in advance, the necessary spare parts—at least the wearable ones?

Shri Hathi: That is what I stated. Some spare parts were available, but these are not the spare parts that are now required.

Shri T. N. Singh: If the supply of spares is not satisfactory and not made in time, what steps do Government take to complain to them or to get the necessary restitutions or losses?

Shri Hathi: Necessary steps will be taken.

STUDENTS PARTICIPATING IN COMMUNITY PROJECT WORK

***2114. Dr. Ram Subhag Singh:** Will the Minister of **Planning** be pleased to state:

(a) whether the Government have prepared any scheme for participation of students in community project work during the summer vacations;

(b) if so, what facilities will be given under this scheme to students who participate in the community project work; and

(c) whether these facilities will also be given to any group of social or political workers who offer to work in the community project centres?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) There is a provision in the Plan for this purpose but the schemes are actually prepared by the organizations concerned.

(b) Grants-in-aid are admissible towards expenditure on boarding and contingencies. Other facilities like local transport and the required tools, implements and materials will also be provided wherever possible.

(c) No, Sir. Social and Political workers have opportunities to render useful service through voluntary organizations, like the Bharat Sewak Samaj and other non-political social welfare organizations.

Dr. Ram Subhag Singh: May I know whether the hon. Minister is in a position to say the approximate number of students and teachers who are likely to participate in this work in the coming summer?

Shri Hathi: I cannot say as to how many are likely to come, but I can say that 1,600 students are actually taking part today.

Dr. Ram Subhag Singh: May I know whether the cost of boarding and lodging of these 1,600 students is being borne by the Government of India?

Shri Hathi: All the cost is not being borne by the Government of India, but a ceiling has been fixed which would meet some of this expenditure, and that ceiling is twelve annas per student.

Shri T. S. A. Chettiar: Who pays the grants to the students—the project officers or the Government of India directly?

Shri Hathi: For the present it is the Planning Commission which does it in these schemes where they have been directly approached.

Shrimati A. Kale: May I know whether the help of Women's Societies is sought for in this matter and, if so, what is the response?

Shri Hathi: This question refers only to students' camps.

Shrimati A. Kale: Are women students eligible?

Shri Hathi: Yes, women students are eligible.

Shri N. M. Lingam: May I know if the participation of students is only symbolic, calculated to produce a psychological atmosphere in the country or if it is part and parcel of the community project administration in the country; if the latter, what are the specific items assigned to be carried out by the students?

Shri Hathi: It is not a part and parcel of the community project. It is a programme by itself. But that is really meant to instil a spirit of dignity of manual labour among the students.

Shri K. G. Deshmukh: In view of the fact, as stated by the hon. Minister that the schemes are actually prepared by the local authorities, may I know whether Government have requested the local authorities in every State to prepare such schemes.

Shri Hathi: It is not for the local authorities. These schemes are prepared by the students' organisations themselves. They can prepare and send them to the Planning Commission.

Shri Sarangadhar Das: May I know if the Government's attention has been drawn to a write-up in the local press about the N.C.C. students taking over and doing some work in Delhi which is sought to be imposed on the people and the people had no share in it?

Shri Hathi: I couldn't follow the question.

Shri Sarangadhar Das: I want to know if the scheme of clearing the canals or drains was not participated in voluntarily by the people themselves and consequently when the N.C.C. students came away from there the people did not carry on the work.

The Prime Minister (Shri Jawaharlal Nehru): Is the hon. Member referring to the National Cadet Corps?

Shri Sarangadhar Das: Yes.

Shri Jawaharlal Nehru: First of all it has nothing to do with my colleague's Community Centres. It is a completely separate and different thing. The N.C.C. has a camp, which it usually has, and in the course of the camp it does manual work. It has got a camp this year about eighteen miles from Delhi. People have come from all over India; and they are cleaning the canal, and doing it remarkably well.

Shri K. K. Basu: May I know whether any pocket money is provided to these students who participate in these schemes?

Shri Hathi: There is no pocket money given.

Dr. Ram Subhag Singh: The hon. Minister stated that a ceiling has been fixed of twelve annas per head and that there may be some other expenditure. May I know whether the labour available locally is costing more than twelve annas or less than that?

Shri Hathi: It is not a question of comparing the local labour and the work done by the students. It is a question of instilling a spirit of manual labour among the students. They do manual labour and in the evening they take up adult education and other things. Whether this will be cheaper or that will be cheaper is not the question here. It is a question of instilling the spirit in the students.

Prof. D. C. Sharma: May I know if the Government is aware of certain agencies which are dissuading students from taking part in community work and, if so, what steps Government is going to take in that direction?

Shri Hathi: I have not any such information, but I shall be glad to receive it from the hon. Member.

Shri Nanadas: May I know who are recruiting authorities of these students and in case of refusal to whom they can appeal?

Shri Hathi: It is not a question of recruiting compulsorily. It is a question of their voluntarily coming forward for this purpose.

Shri Nanadas: In the case of refusal to whom can they appeal?

Shri Hathi: If the students organise it it will be for the organisations to take it up. It is not a question of individual students approaching the Planning Commission for this purpose.

Shri Heda: Is it not a fact that the students, apart from doing manual work, also take up some socio-economic surveys in the nearby villages and adult night classes and spreading sanitary and other methods?

Shri Hathi: That is what I said.

IMPORT OF TINPLATE

*2116. **Shri N. R. Naidu:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether the import licence for waste and prime quality of tinplate was issued for the import period, January to June, 1953?

(b) If so, what is the basis on which the licence was issued?

(c) Are Government aware that there is heavy accumulation of indigenous tinplate in this country?

(d) What are the steps taken, or proposed to be taken by Government to avoid such accumulation?

(e) Have Government any information as to whether the Tinplate Company of India, the only concern producing tinplate in India, is going to restrict its production?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Licences were issued freely as in previous years.

(c) Stocks with the Tinplate Company of India Ltd. and controlled stockists do not move briskly but they cannot be considered as 'heavy accumulation'.

(d) Government saw no reason to take any special steps excepting to increase the allotment in the Central list to steel processing factories. Issue of licences for imports has been suspended.

(e) So far as Government are aware, they have no such intention.

Shri N. R. Naidu: May I know how much of this tinplate is being allotted to foreign firms and how much to Indian firms?

Shri Karmarkar: I should like to have notice of the question.

Shri K. K. Basu: Has the Government received a representation from the Indian manufacturers of metal boxes that because of this policy of Government they are adversely affected and that concerns which are predominantly foreign are in an advantageous position in this respect?

Shri Karmarkar: I am not aware of any such representation being received, but I will find out.

Shri Velayudhan: What is the total annual production of tinplate in India and what is the import allowed?

Shri Karmarkar: The estimated annual demand is about 100,000 tons. The indigenous production is estimated to be 68,000 tons and the import permitted during 1951-52 was 28,603 tons and during 1952-53 10,423 tons.

Shri Velayudhan: May I know how the accumulation of stock has come about?

Shri Karmarkar: The accumulation is not very frightening. We understand that the Tinplate Company used to have a normal stock of 4,000 tons and at the moment they have a stock of about 5,500 tons—that is 1,500 tons more. The main reasons for this low offtake appear to be (1) that oil companies which used to take 8 to 11 thousand tons a quarter have reduced their demand to 2 thousand tons, partly because of bulk packing of oil and partly because of heavy stocks and (2) the general economic depression.

Shri N. R. Naidu: Is it a fact that 75 per cent. of the tinplate quota is being allotted to Metal Box Co. while only 25 per cent. is allotted to the 168 Indian firms?

Shri Karmarkar: This is a subject for another separate question.

Mr. Deputy-Speaker: Does it arise out of this question?

Shri Karmarkar: It does by a far stretch of imagination.

Shri T. N. Singh: May I know whether this import of waste tin is a deviation from the old policy resulting in creation of new problems or the old policy is being continued?

Shri Karmarkar: Yes. It is an old policy continued on very sound grounds.

Shri T. N. Singh: I want to know why these complaints should arise at all about quotas.

Shri Karmarkar: There are stocks in hand for the two reasons stated by me. During the next quarter it is expected the demand will rise and we shall also regulate our import policy to the best interests of the local manufacturers. There is no frightening difficulty. At the moment the stock has increased only by 1500 tons.

RESTRICTIONS ON CRYSTAL SULPHUR

***2117. Shri A. N. Vidyalankar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have received any representation from the manufacturers of Ayurvedic Medicines, urging the removal of all restrictions on Crystal Sulphur, called '*Amblasar*';

(b) whether it is a fact that this quality of sulphur is not used in allopathic medicines, or for chemical or industrial purposes, or in munitions; and

(c) the reply that Government have given or propose to give to this representation?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Government have no information.

(c) Does not arise.

Shri A. N. Vidyalankar: Has it been brought to the notice of the Government that the Punjab Government in circular No. LLC566 dated 10th March, 1942, has stated that these restrictions have been imposed as per orders from the Central Government?

Shri Karmarkar: Our attention has not been drawn to it. I should be grateful to the hon. Member if he can give me a copy of the circular.

Shri A. N. Vidyalankar: If the matter is brought before the Minister, will he sympathetically consider it?

Shri Karmarkar: Immediately and sympathetically.

Shri Raghuramaiah: May I know whether there are any restrictions on this sulphur?

Shri Karmarkar: No, Sir, so far as we know.

TUBEWELL EQUIPMENT

***2118. Shri A. N. Vidyalankar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quality and quantity of Tubewell equipment, i.e. electric motors, pumps and other accessories manufactured in India;

(b) the places where this is manufactured;

(c) what Government are doing to encourage and develop this industry:

(d) whether any conditions have been laid down in the agreement with the foreign concern that has been given a contract for erecting Tubewells in India, that they will first utilise Indian manufactured materials before any material is imported from foreign countries; and

(e) whether it is a fact that the Central Workshop, Amritsar, had manufactured 1,800 complete Tubewell pumps, before Partition and had supplied the same to the Punjab Government and the same had given very satisfactory results?

The Minister of Commerce (Shri Karmarkar): (a) Presumably by quantity the hon. Member is referring to the production figures. If so, during 1952 the production of pumps and electric motors suitable for the Pumps was 32,051 and 207 respectively. The quality of these machines is reported to be quite satisfactory.

(b) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 61.]

(c) Assistance is rendered by way of issue of licences for component parts, capital equipment and raw materials not indigenously available, and by releasing indigenous raw materials.

(d) No, Sir.

(e) Government have no information.

Shri Nanadas: May I know whether we have imported any tubewell equipment in 1952?

Shri Karmarkar: It is possible but during July-December, 1952, the import quota has been nil.

Shri Veeraswamy: May I know the number of tubewells sunk in the Madras State and at what places and whether they are successfully working?

Shri Karmarkar: The hon. Members wants to know the number of tubewells in the Madras State.

Mr. Deputy-Speaker: Merely because something refers to tubewells, we cannot put such questions.

Shri Velayudhan: Arising out of the answer to part (e) of the question, may I know whether Government are constructing tubewells at the Central workshop at Amritsar.

Shri Karmarkar: At the moment we have no information readily available but we shall find it out if the hon. Member wants it.

Shri T. N. Singh: May I know whether in such agreements, the Government do not consider the desirability of insisting on use of indigenous material.

Shri Karmarkar: In many of the agreements we insist on that.

Shri T. S. A. Chettiar: May I know whether for the community projects, the need is there to import these instruments from outside?

Shri Karmarkar: Not necessarily. Whenever it is absolutely necessary, we permit imports from outside.

Shri Bansal: The hon. Minister just have notice. I should like to now informed the House that in some of the agreements, Government insists that the foreigners should use indigenously manufactured parts. May I know in which agreements this condition has been insisted upon?

Shri Karmarkar: I should like to have notice. I should like to state that the Government of India are trying to give preference to indigenous materials as far as possible so long as their prices are reasonable and the dollar and the rupee part of the expenditure provided in the agreement are properly maintained.

Shri Bansal: I may state for the information of the hon. Minister that this condition was not insisted upon in respect of the Associated Tubewells Ltd.

Mr. Deputy-Speaker: The hon. Member is not a Minister.

Shri Nanadas: May I know whether the company which is erecting tubewells is also producing equipment required for the tubewell pumps?

Shri Karmarkar: I should like to have notice.

हज यात्रा

*२१२०. **श्री रघुनाथ सिंह:** क्या प्रधान मंत्री बताने की कृपा करेंगे कि :

(क) गत वर्ष कितने हज यात्री भारत से मक्का गये थे ;

(ख) इस वर्ष रमज़ान शरीफ़ के पहले तथा बाद में हज यात्रियों के जाने का प्रबन्ध किया गया है या नहीं ;

(ग) क्या समाचारपत्रों में छपी यह खबर ठीक है कि रमज़ान शरीफ़ के पहले हज यात्रियों के जाने का प्रबन्ध इस वर्ष नहीं किया गया है ;

(घ) यदि नहीं किया गया है, तो उस के क्या कारण हैं ?

The Prime Minister (Shri Jawaharlal Nehru): (a) 7.791 pilgrims.

(b) to (d). Arrangements have been made for regular pilgrim ships to ply between Bombay and Jedda in the post-Ramzan period this year.

The Mogul Line Ltd., the only shipping company engaged in pilgrim traffic between India and the Hejaz, state that the number of pilgrims registered with them for a pre-Ramzan sailing this season was insufficient to warrant the reservation of a regular pilgrim ship for the purpose. They therefore duly advertised in India and abroad that there would be no pre-Ramzan sailings this year. Publicity was also given to this by the Port Haj Committee, Bombay. Despite this warning, about 145 foreign pilgrims and 118 Indian pilgrims arrived in Bombay in the vague hope of some suitable arrangements being made for them to reach the Hejaz before Id. At the intervention of the Government of India, the Mogul Line agreed to carry all these pilgrims on board the *s.s. Alavi*, an ordinary unberthed passenger ship which sailed for Jedda on the 10th of May. The foreign nationals travelled with passports and the Indian pilgrims were permitted to go with pilgrim passes.

श्री रघुनाथ सिंह: क्या प्रधान मंत्री बताने की कृपा करेंगे कि इस वर्ष कितने हज यात्रियों की वहां जाने की संभावना है ?

श्री जवाहरलाल नेहरू: यह तो मैं नहीं कह सकता, लेकिन पिछले साल में जो गये, उनकी तादाद मैं आप को बता सकता हूं. आमतौर से कोई ग्यारह हज़ार से चौदह हज़ार तक जाते हैं।

श्री रघुनाथ सिंह: क्या सरकार को मालूम है कि रमज़ान के पहले न जाने की बात अखबारों में शाया नहीं हुई थी, इसलिये

बहुत से हज यात्री बम्बई गये और वहां निराश होकर वापिस चले आये ?

श्री जवाहरलाल नेहरु: सरकार को मालूम है, नम्बर तक बतला दिया कि कितने हज यात्रा पर गय और इसके अलावा में क्या बताऊं ?

श्री रघुनाथ सिंह: अखबारों में यह चीज़ शाया नहीं की गई कि इस साल रमज़ान में हज यात्रा नहीं होगी ?

श्री जवाहरलाल नेहरु: आप कह सकते हैं कि यह ख़बर काफ़ी तौर पर शाया नहीं हुई, अब यह अन्दाज़ा करना कि काफ़ी पबलिसिटी हुई कि नहीं, इसके बारे में मैं नहीं कह सकता ।

श्री रघुनाथ सिंह: जहां तक हमें मालूम है, यू० पी० के किसी अख़बार में यह ख़बर शाया नहीं हुई और इस कारण यू० पी० के अधिकतर आदमी बम्बई गये ?

श्री जवाहरलाल नेहरु: मेरा ख्याल है कि यू० पी० के साथ यह नाइंसाफ़ी अक्सर होती है ।

FILMS ON SCHEMES OF FIVE YEAR PLAN

*2121. **Shri U. S. Dube:** (a) Will the Minister of **Information and Broadcasting** be pleased to state whether Government propose to keep the rural population of the country in touch with the constructive progress of the schemes under the Five Year Plan by exhibiting films in villages to enthuse the people to co-operate in the execution of the Plan?

(b) How many such units are engaged in different States in India?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The films produced by Films Division are exhibited through about 850 touring cinemas which mostly operate in rural areas and through 230 mobile vans fitted with cinema projectors which are maintained by the various State Governments. It is also proposed to provide 20 more vans for the exhibition of films in Community Project Areas.

WRITTEN ANSWERS TO QUESTIONS.

PROPAGANDA FOR INDIAN TEA

*2086. **Shri P. T. Chacko:** Will the Minister of **Commerce and Industry** be pleased to state whether the Government of India propose to establish at an early date a suitable machinery to do effective propaganda for Indian tea in all countries?

The Minister of Commerce (Shri Karmarkar): Steps are being taken to start propaganda campaigns in the important tea consuming countries in collaboration with other producing countries.

HANDMADE PAPER INDUSTRY

*2088. **Shri K. Subrahmanyam:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that Handmade Paper Research Centre in Poona has succeeded in manufacturing Kraft Paper from banana stumps?

(b) If the answer to part (a) above be in the affirmative, has the method been patented?

(c) It is a fact that the method, when popularised, will not only make India self-sufficient in paper but also provide employment to a number of people?

(d) Is it a fact that the initial equipment for a small production unit does not cost more than Rs. 5,000 ?

(e) Do Government propose to popularise the method on an all-India scale ?

The Minister of Commerce (Shri Karmarkar): (a) Yes. The Research Centre has made Kraft paper from a mixture of banana stumps and jute pulp.

(b) Not yet.

(c) The method, when popularised will naturally provide employment for a certain number of people. It is, however, too early to say whether it would meet the entire requirement of the country for Kraft paper.

(d) Yes, Sir.

(e) The method is being tried out by the Bombay Government at Konnur in the Belgaum District community project area. The question of popularisation of the method on an All-India basis will be considered after the results of this experiment are available.

INDIAN UNIVERSITY GRADUATES IN MALAYA

***2090. Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that discriminatory treatment is meted out to the Indian University graduates by the Malayan Education Department;

(b) whether the attention of the Government of India has been drawn to this by any organisation of Indian graduates;

(c) whether the Government of India's representative in Malaya has taken up this matter with the Government of Malaya; and

(d) if so, results thereof?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Education Department of the Government of Malaya does not recognise degrees of Indian Universities for the purpose of giving graduate allowance or giving higher initial salary to graduate teachers. To this extent, discrimination may be said to be practised against Indian University graduates. In times of need, however, that Department has recruited Indian graduates on higher pay.

(b) No, Sir. Our Representative in Malaya has, however, asked the newly formed Indian Graduates' Association in Malaya to collect material to enable him to pursue the matter with the appropriate authorities.

(c) and (d). Yes, our Representative had taken up the matter previously with the local authorities in Malaya but without any success. The matter was then pursued through the Inter-University Board, but not much progress could be made. Our Representative has again addressed the Government of Malaya now enquiring about their policy regarding the recruitment of graduates of Indian Universities by their Education Department, and their promotion to higher grades *vis-a-vis* graduates of other Universities. He has also brought this matter informally to the notice of the Commissioner-General for South East Asia and the High Commissioner for the Federation of Malaya.

BROADCASTING COMMISSION

***2091. Shri Bheekha Bhai:** (a) Will the Minister of **Information and Broadcasting** be pleased to state whether Government have received any representation for the setting up of a Broadcasting Commission?

(b) If so, from whom?

(c) What steps, if any, do Government propose to take in this direction?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Yes, Sir, from the All India Radio Merchants' Association.

(c) The suggestion had already been considered and found to be unacceptable.

EXPORT TRADE ORGANISATION

***2094. Shri Bansal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government intend to set up a separate Export Trade Organisation to promote exports; and

(b) whether there is any proposal in this connection to levy a cess on exported items to finance such an Organisation?

The Minister of Commerce (Shri Karmarkar): (a) and (b). In the meeting of the Export Advisory Council held in December last, it was proposed that there should be some permanent organisation to get information about export markets for different commodities and that a small cess might be borne by the particular industry concerned to meet the expenses. Government invited suggestions in this regard; but no suggestions have so far been received.

ENQUIRY AGAINST SHRI E. M. B. GHOSH

***2097. Shri Vittal Rao:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether an enquiry is being conducted against Shri E. M. B. Ghosh, Ex-Engineer of "A" Division, New Delhi on alleged charges of corruption;

(b) whether the above officer was suspended once before and if so, on what charges; and

(c) whether it is a fact that account books are not properly maintained in this Division?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir, but not on charges of corruption.

(b) He was not suspended at any time.

(c) No, Sir.

PEGGING OF COAL

***2098. Dr. Hari Mohan:** Will the Minister of **Production** be pleased to state whether it is a fact that output of Grade I and Grade II Coal at Railway Collieries are going to be **peged on the same** principle, *i.e. on* the output figure of 1952?

The Minister of Production (Shri K. C. Reddy): Yes.

INDIAN DOCTORS AND ENGINEERS RECRUITED BY BURMA GOVERNMENT

***2100. Shri K. C. Sodhia:** (a) Will the **Prime Minister** be pleased to state whether the recent press reports, regarding the condition of the recently recruited Indian doctors and engineers by the Government of Burma, have been brought to the notice of the Government?

(b) If so, will the Government kindy ascertain the facts and get authentic information in the matter?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika): (a) and (b). Government have noticed a press report. They have also received a report in regard to some difficulties experienced by two Professors. No complaints have so far been received from any of the Doctors who have gone to Burma for employment under that Government. No Engineer has yet gone to Burma, as the terms and conditions of service have still to be finally settled.

Government have taken steps to ascertain further facts.

INSPECTORATE FOR INDIAN MISSIONS

***2101. Shri K. C. Sodhia:** (a) Will the **Prime Minister** be pleased to state whether Government propose to establish an Inspectorate for the inspection of Indian Missions and Embassies abroad?

(b) If so, when is their scheme likely to come into effect?

(c) What will be the total strength of the Inspectorate, its annual cost and functions?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) It is hoped that the scheme will come into effect during the current financial year.

(c) It is expected that initially the inspectorate will consist of two senior officers with the minimum necessary personal staff. The annual cost has been estimated at Rs. 1,50,000 (Rupees one lakh and fifty thousand only). The functions of the inspectorate will be to advise and guide heads of missions and other officers in the performance of their duties so as to raise the standard of Indian missions abroad to a uniform level; to report upon the conduct and suitability of officials serving in the missions: and to examine all administrative matters, namely those pertaining to discipline, pays and allowances, purchase, maintenance and replacement of Government property, accounts and finance.

INDIAN NATIONALS UNDER ARREST IN PORTUGUESE POSSESSIONS

***2102. Shri H. N. Mukerjee:** Will the **Prime Minister** be pleased to state:

(a) whether any Indian nationals are under arrest for political reasons in Goa and other Portuguese possessions in India; and

(b) if so, what steps are being taken for their repatriation?

The Prime Minister (Shri Jawaharlal Nehru): (a) So far as the Government of India are aware, the only Indian national in detention for political reasons in Goa is Shri D. A. Deshpande. He was convicted by a Goa court in 1949 and sentenced to 28 years' penal servitude.

(b) As he is serving a sentence, the question of his repatriation does not arise for the present.

BUILDING FOR INDIA SUPPLY MISSION

***2107. Shrimati Shakuntala:** Will the Minister of **Works, Housing and Supply** be pleased to state what progress has so far been made in Government's project of construction of a building to house the India Supply Mission, Washington?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): A site has been purchased in Washington. Tenders inviting bids for construction of a two storey building on that site have been issued by the India Supply Mission.

CHILDREN'S ENTERTAINMENT FILMS

***2108. Shrimati Shakuntala:** Will the Minister of **Information and Broadcasting** be pleased to state what steps Government are taking to encourage production of Children's Entertainment Films in the country?

The Minister of Commerce (Shri Karmarkar): It is proposed to undertake the production of special films for children. Under this programme four documentary films for the entertainment of children will be produced by the Films Division. In addition, the possibility of producing a full length film is also under examination.

CALCUTTA TYPWRITER MANUFACTURING COMPANY

*2109. **Shri Telkikar:** (a) Will the Minister of **Commerce and Industry** be pleased to state when the Calcutta Typewriter Manufacturing Company is going to start functioning?

(b) What would be the cost of an India-made typewriter?

The Minister of Commerce (Shri Karmarkar): (a) Presumably hon. Member is referring to Remington-Rand of India Limited, Calcutta. If so, the answer is that the Company has already started functioning.

(b) It is not possible to give an estimate of cost as no complete typewriter has so far been manufactured in the country.

PAKISTANI RAID ON ASSAM BORDER VILLAGE

*2115. **Shri Amjad Ali:** Will the **Prime Minister** be pleased to state:

(a) whether there was any raid at Kherercher on the Assam Border of East Pakistan on the evening of 14th February, 1953, by a gang of Pakistanis;

(b) whether there was firing by Pakistan Police on the border village of Kherercher on the day in which several persons were wounded and the raiders removed three of the wounded persons to Pakistan;

(c) whether the relatives of the persons so removed approached the District Police of Dmobri on the 27th February, 1953 for recovery of the persons removed; and

(d) if so, the results thereof?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (d). According to the information received by us from the Assam Government, no such incident took place. Certain sounds of gun fire were heard on the 14th February and it was stated subsequently that there had been an encounter on the East Pakistan side of the border with some dacoits.

EXPORT OF GROUNDNUT

*2119. **Shri Muniswamy:** (a) Will the Minister of **Commerce and Industry** be pleased to state the present position of our country regarding the export of groundnuts to foreign countries?

(b) Is it a fact that the exports of groundnuts from India have fallen during the last few years?

(c) If so, what are the reasons therefor?

The Minister of Commerce (Shri Karmarkar): (a) Export of groundnuts, except of the Hand Picked Selected variety, is at present prohibited. Exporters have been permitted to export a small portion of their allotment of groundnut oil in the form of the hand picked selected variety of groundnuts.

(b) Yes.

(c) The policy of Government is to export oil in preference to seeds.

SUBMERSION OF VILLAGES BY HIRAKUD DAM

*2122. **Shri Muniswamy:** (a) Will the Minister of **Irrigation and Power** be pleased to state whether it is a fact that after completion of the construction of the Hirakud Dam, over 200 villages and about 2,16,400 acres of Sambalpur District will go under water?

(b) What steps are under the contemplation of Government to replace the affected population of that area and to compensate their loss of property?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes Sir.

(b) Compensation is being paid by the Government of Orissa in accordance with the provisions of the Orissa Development of Industries, Irrigation etc. (Land Acquisition) Act of 1948. As regards reclamation and resettlement certain proposals of the State Government are now under examination.

CLOSURE OF COOPER ENGINEERING WORKS BOMBAY

*2123. **Shri H. N. Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to refer to answer to short notice question asked on 17th December, 1952 and state:

(a) whether it is a fact that on or about the 26th December, 1952, the Management and the workers of Cooper Engineering Works in Bombay, agreed in the presence of the Government Labour Officer that the said works was to re-open on 2nd March, 1953 with the full complement of workers;

(b) whether it is a fact that the Management suddenly declared the works closed from the midnight of 21st March, 1953;

(c) whether it is a fact that heavy imports of diesel engines continue to make the work of this factory difficult; and

(d) what steps, if any, are being taken by Government in this regard?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Government have no precise information.

(c) Diesel engines are not being licensed for import since July 1952. The question, therefore, does not arise.

(d) Besides the stoppage of imports. State Governments have been advised to purchase indigenous diesel engines in connection with Grow More Food Campaign etc.

CONSTRUCTION OF *Musafirkhana* IN JEDDAH

***2124. Shri H. N. Mukerjee:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Government purchased some time back, along with the Pakistan Government, certain lands in Jeddah, Saudi Arabia, for the purpose of constructing a *Musafirkhana* for Indian nationals making the Haj pilgrimage;

(b) whether any progress has been made in regard to the said construction; and

(c) whether Government's attention has been drawn to the difficulties experienced by Indian nationals making the Haj pilgrimage?

The Prime Minister (Shri Jawaharlal Nehru): (a) No.

(b) Does not arise.

(c) It is not clear what particular difficulties the hon. Member is referring to. If he would kindly specify them, I shall have the matter investigated.

ALLOTMENT FOR INDUSTRIAL HOUSING TO WEST BENGAL

***2125. Shri K. K. Basu:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Government of India have refused to pay the sum allotted for Industrial Housing to the West Bengal Government even after they have submitted the whole scheme; and

(b) if so, the reason therefor?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Rigid state-wise allocations of funds are not made under the Subsidised Industrial Housing Scheme. As soon as the details of the housing projects of the West Bengal Government have been finalised, the Government of India will sanction the subsidy and loan under the subsidised Industrial Housing Scheme.

(b) Does not arise.

RESTRICTIONS ON INDIAN MISSIONARIES ABROAD

***2126. Shri Rishang Keishing:** Will the **Prime Minister** be pleased to state:

(a) whether Indians of any religious faith seeking to enter U.S.A., U.K. or France with a view to expounding and propagating their religious faith are subjected to any special restrictions *i.e.* restrictions not imposed on other Indians;

(b) whether foreigners from countries like the above mentioned ones seeking to enter India with a similar purpose are subjected to any special restrictions; and

(c) whether any such restrictions have been imposed on foreign missionaries, particularly those in the tribal areas, in recent times with a view to stopping them from propagation of their religious faiths?

The Prime Minister (Shri Jawaharlal Nehru): (a) Government are not aware of any such restrictions. Very few Indians are known to have gone to the U.S.A., U.K. or France for the purpose of expounding and propagating their religious faith.

(b) and (c). There are no special restrictions on foreigners coming to India for religious purpose. But, where their activities have been considered to be harmful to India, restrictions have been imposed. In certain border areas, some of which are known as the inner areas, restrictions on movements of all foreigners, including missionaries, are imposed.

A considerable number of foreign missionaries have come to India in recent years.

WEST BENGAL MUNICIPAL ACT IN CHANDERNAGORE

***2128. Shri Tushar Chatterjea:** Will the **Prime Minister** be pleased to state:

(a) whether, prior to promulgation of the West Bengal Municipal Act in

Chandernagore, opinion of Chandernagore people was taken:

(b) whether Government have received any representation from the people of Chandernagore that the present Act is inadequate for maintaining privileges of Chandernagore people and that further modifications of this Act are necessary; and

(c) whether Government have in contemplation any procedure to consult public opinion of Chandernagore before the implementation of the promulgated Act begins?

The Prime Minister (Shri Jawaharlal Nehru): (a) No.

(b) and (c). Such a representation has been received from some members of the Advisory Council of Chandernagore.

The first 65 Sections of the Bengal Municipal Act, 1932, have been extended to Chandernagore with suitable modifications. It is Government's intention to extend the remaining Sections of the Act after adaptation.

The best method of consulting the people will be through the elections when they are held.

SPARE PARTS FOR AGRICULTURAL MACHINERY

***2129. Shri Muniswamy:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the Union Government have decided to issue licences for the import of spare parts required for agricultural machinery?

(b) How many licences have so far been issued?

(c) What are the considerations under which such licences are issued?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Six licences valued at Rs. 38,070 for soft currency areas have so far been issued during the current licensing period.

(c) Licences are issued to established importers on the basis of quotas calculated with reference to their past imports of these spare parts.

NATIONAL EXTENSION SERVICE

***2130. Shri Rajagopala Rao:** (a) Will the Minister of **Planning** be pleased to state whether it is proposed to have a National Extension Service in addition to the Community Development Programme launched on October 2, 1952?

(b) If so, what will be the area covered by the Programme?

(c) Is it proposed to include the backward districts of Srikakulam in Andhra in the scheme?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) Approximately one-fourth of the country during the First Five-Year Plan period.

(c) Every district in the State is proposed to be covered by the programme.

SHELLAC INDUSTRY

***2131. Shri Punnoose:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether the Government are aware that a serious situation has arisen in the shellac industry in India as a result of an increase in the export of stick lac and seed lac from India, throwing over 70 per cent. of the shellac workers out of employment?

(b) If so, do Government propose to ban or restrict the export of stick lac and seed lac from India in order to save the industry from ruin?

(c) What measures do Government propose to take in order to render relief to the unemployed shellac workers?

The Minister of Commerce (Shri Karmarkar): (a) Government are aware that the Shellac Industry is experiencing some difficulties at present. Information regarding number of workers employed in shellac factories and thrown out of work is not available.

(b) The question of banning the export of stick lac is under consideration.

(c) This is primarily the concern of the State Governments.

IMPORT OF PLASTIC WIRES

***2132. Shri B. S. Murthy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India have recently restricted import of plastic wires and flexibles by 10 per cent.;

(b) if so, whether this is in revision of a policy devised a few weeks earlier for import for January—June, 1953; and

(c) the reasons that led the Government so abruptly to change this policy?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Yes, the policy has been slightly modified.

(c) On account of the improvement in the supply position of electrolytic copper, import became unnecessary as the indigenous industry was largely able to meet the demand for plastic wires and flexibles.

PRICE OF BALL-BEARINGS

*2133. **Shri M. S. Gurupadaswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India are aware that the prices of Indian ball-bearings Nos. 6204, 6205 and 6206 used in the manufacture of agricultural implements, specially the chaff-cutters, are in the neighbourhood of about Rs. 13 per pair;

(b) whether the Government are aware that the price of Japanese ball-bearings of the same variety is about Rs. 4 per pair;

(c) whether Government are aware that the cost of Indian ball-bearings has risen by about 200 per cent. ever since the industry was given protection;

(d) whether the agricultural implements manufacturers, particularly in the Punjab, are finding their business extremely unprofitable in view of the heavy price they have to pay for ball-bearings; and

(e) whether the Government of India have any proposal to fix the prices of Indian-made ball-bearings at a reasonable level?

The Minister of Commerce (Shri Karmarkar): (a) and (d). Some representations in this regard have recently been received.

(b) and (c). Government have no information.

(e) The operation of reasonable prices in respect of industries which are protected is a duty cast on Government and the Tariff Commission. Government are asking the Development Wing of the Ministry to investigate this aspect of the matter.

FACTORY FOR EXPLOSIVES

*2134. **Dr. Amin:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any decision has been taken on the proposal for the setting up of a factory for the manufacture of explosives for civilian purposes;

(b) if so, which place has been selected for the setting up of this factory; and

(c) what its annual production will be?

The Minister of Commerce (Shri Karmarkar): (a) to (c). The question of manufacture of civilian explosives in India is under consideration and no final decision has yet been taken with regard to the location of the factory or its productive capacity.

REPRESENTATION FROM NASIK CITY VAIDY MANDAL

*2135. **Shri B. D. Shastri:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether any representation has been received by the Government from the Nasik City Vaidya Mandal, Nasik, requesting the Government of India to reduce the import duty on certain articles used in the preparation of Ayurvedic medicines?

(b) What action have the Government of India taken or propose to take on this representation?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The matter is under consideration.

"हरिके" बांध

१४१४. **श्री बलवन्त सिंह मेहता:** क्या सिंचाई तथा विद्युत मंत्री बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि "हरिके" बांध का उदघाटन किया गया है ; तथा

(ख) इस बांध मे कितने एकड़ भूमि की सिंचाई होगी ?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) For the present no new areas will be irrigated from this Barrage. Canals are under construction to connect to the existing Eastern and Gang canals which take off from Ferozepur. In addition some of the old inundation canals will be replaced by a small canal taking off the new head-works. No decision has yet been taken regarding irrigation of new land from this head-works.

LOSS DUE TO EARTHQUAKE AND FLOODS IN N.E.F. AGENCY

1415. Shri Gohain: (a) Will the **Prime Minister** be pleased to state the extent of estimated loss of lives, damages to properties, including residential and other houses and crops etc., caused by the last Great Earthquake of 1950 and consequent floods in the—(i) Mishmi Hills and (ii) Abor Hills Districts of the N.E.F. Agency?

(b) What is the total amount spent up to the financial year 1952-53 for relief measures and rehabilitation of the affected people of the affected areas?

(c) Of the total amount spent, how much was spent for (i) gratuitous relief, (ii) test relief, and (iii) actual rehabilitation?

(d) Have any measures been taken and if so, what for the relief of the present flood-affected areas in the Mishmi Hills and Abor Hills District?

The Prime Minister (Shri Jawaharlal Nehru): (a) *Mishmi Hills*:

Loss of Lives — 602 (estimated figures).

Damage to property—

Cattle lost— 25 per cent.

House and granaries — 15 per cent.

Standing crops — 80 per cent.

Roads and Bridges—70 per cent.

50 Government buildings were also damaged.

Abor Hills:

Loss of Lives—350 (Estimated figures).

Damage to property—

Cattle lost — 35 per cent.

Houses and granaries — 30 per cent.

Standing Crops — 75 per cent.

Roads and Bridges — 50 per cent.

45 Primary schools with teachers' quarters, and 11 other Government buildings with out-houses, were also damaged.

(b) Rs. 13,77,768, including Rs. 3,84,947 contributed by the Governor's Assam Earthquake Relief Fund.

(c) and (d). The information is being collected and will be placed on the Table of the House when received.

MACHINERY MANUFACTURERS' CORPORATION, LTD., CALCUTTA

1416. Shri K. K. Basu: Will the Minister of **Commerce and Industry** be pleased to state the total amount of help given by Government to Machinery Manufacturers' Corporation, Ltd., Park Street, Calcutta?

The Minister of Commerce (Shri Karmarkar): Government have invested Rs. 25 lakhs in special Cumulative Preference Shares (carrying 4½ per cent.) of this company.

GOLD MEDAL FOR RESEARCH

1417. Sardar Hukam Singh: Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Central Board of Irrigation and Power has instituted a Gold Medal to be awarded to a person (or persons) whose contribution to research technique, theory or practice relating to the development of water resources of India is adjudged to be an outstanding original contribution of the preceding year; and

(b) who were the persons who were so adjudged and awarded Gold Medals in 1951 and 1952?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) It has been decided to award the medal for the year 1951 to Shri V. Ganesh Iyer, Director, Hydraulic Research Station, Mysore. As regards the award for the year 1952 contributions have been called and will be considered by the Executive Committee of the Board at the next annual meeting of the Central Board of Irrigation and Power.

LEATHER INDUSTRY

1418. Shri Jajware: Will the Minister of **Commerce and Industry** be pleased to state what steps Government are taking to revive the leather industry, that is, leather tanning and making leather goods as a cottage industry?

The Minister of Commerce (Shri Karmarkar): A statement giving an account of the steps taken by the Government of India to assist the development of leather industry as a whole is laid on the Table of the House. [*See* Appendix XI, annexure No. 62.]

SHORT AND LONG TERM PROJECTS

1419. Dr. Amin: Will the Minister of **Planning** be pleased to state:

(a) what types of projects are considered as short term or long term projects;

(b) the total amount of money spent or proposed to be spent on short term projects under the Five Year Plan;

(c) the total amount of money spent or proposed to be spent on long term projects under this Plan; and

(d) whether it is a fact that short term projects are more suitable for our country in the present economic situation?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Short-term projects may be defined as those which can be completed within 2 to 3 years. They would cover most G.M.F., Minor Irrigation and Community Project Schemes as well as most Health, Education and other Social Service schemes.

(b) and (c). The total expenditure on long-term schemes would be of the order of Rs. 1,300 crores and on short-term schemes of Rs. 769 crores.

(d) Short-term as well as long-term projects are necessary for the proper economic development of this country.

NON-MUSLIM ABDUCTED GIRLS FROM KASHMIR

1420. **Sardar Hukam Singh:** (a) Will the **Prime Minister** be pleased to state whether Government have any estimate of the number of non-Muslim abducted girls and children of Mirpur and Muzaffarabad (area held by the so-called Azad Kashmir Government), who are still in the possession of Azad Kashmir people or raiders?

(b) What is the number of abducted girls whose whereabouts are known to Government?

(c) Has any number been recovered from those areas during the year 1952 and if so, what was that number?

The Prime Minister (Shri Jawaharlal Nehru): (a) It is not possible to give any dependable estimate.

(b) Most of the clues furnished by the informants at the time of registering the names of their abducted relatives have, by now, been found to be out of date. Therefore, it is difficult to give any definite number of cases, in which it could be said with certainty, that the whereabouts of the persons involved are known to Government.

(c) Yes: 331.

"FULL STORY OF HIRAKUD"

1421. **Shri Radha Raman:** (a) Will the Minister of **Irrigation and Power** be pleased to state whether Government have gone through the pamphlet entitled **'Full Story of Hirakud' by Sardar Diwan Singh** and noticed the allegations made therein against Officers of this Project?

(b) How far are these allegations correct and what have Government done or propose to do in this regard?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The reply is in the affirmative.

(b) A detailed investigation of all the cases of alleged irregularities referred to in the pamphlet is being arranged. Further action will be taken after the investigation report is received and examined by Government.

बनारसी वस्त्र व्यवसा में बेकारी

१४२२. **श्री रघुनाथ सिंह:** क्या **वाणिज्य तथा उद्योग** मंत्री बताने की कृपा करेंगे कि क्या यह सच है कि उत्तर प्रदेश में बनारसी वस्त्र व्यवसाय की गिरती हालत के कारण श्रमिकों में बेकारी जोरों से बढ़ रही है और बहुत से श्रमिक भारत छोड़कर पाकिस्तान जा रहे हैं ?

The Minister of Commerce (Shri Karmarkar): Yes. The Government of Uttar Pradesh has reported that unemployment is on the increase among the workers. We are, however, not aware of weavers leaving for Pakistan for this reason.

MANUFACTURE OF MEDICINES IN DRUG RESEARCH LABORATORIES

1423. **Shri Lakshman Singh Charak:** (a) Will the Minister of **Cmmerce and Industry** be pleased to state how many drug research laboratories under the control of the Central Government are there in India where medicines are manufactured and prepared?

(b) What is the total amount spent per year on each laboratory and the annual income from the manufactured products?

The Minister of Commerce (Shri Karmarkar): (a) The Central Research Institute, Kasauli, and the B.C.G. Laboratory at Guindy, Madras are the only Drug Research Laboratories under the Central Government where drugs are manufactured.

(b) A statement relating to the two Central Government Research Laboratories is placed on the Table of the House.

STATEMENT

Name of the Laboratory	Expenditure in 1951-52		Income, if any
	Recurring	Non-recurring	
	Rs.	Rs.	Rs.
The Central Research Institute, Kasauli.	6,70,849	1,48,650	4,69,825
B.C.G.. Laboratory, Guindy, Madras.	Information not available		

SUPERVISORS AND ASSISTANT ENGINEERS ON HIRAKUD PROJECT

1424. Sardar Lal Singh: (a) Will the Minister of **Irrigation and Power** be pleased to state whether recruitment to the post of an Assistant Engineer is made by the Union Public Service Commission?

(b) Is it a fact that one Mr. Chari holding no Engineering qualifications was appointed as an Assistant Engineer on the Hirakud Project without any reference to the Union Public Service Commission?

(c) Is it a fact that prior to his appointment as Assistant Engineer he had been appointed as head storekeeper and given maximum pay without approval of the Ministry which is the competent authority?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Recruitment to the post of Assistant Engineer is made through or in consultation with the U.P.S.C., where the appointment is likely to last more than one year. In emergent cases, sometimes, appointments are made direct by the Central Water and Power Commission initially and requisitions sent to the U.P.S.C., for advertising the posts.

(b) Yes Sir.

(c) Yes Sir

DEARNESS ALLOWANCE TO STAFF ARTISTES OF A.I.R.

1425. Shri K. Subrahmanyam: (a) Will the Minister of **Information and Broadcasting** be pleased to state whether Government propose to give dearness allowance to staff artistes of the All India Radio?

(b) What steps have been taken to improve their amenities?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir. The emoluments of staff artistes are determined with due consideration for the increased cost of living.

(b) Certain amenities such as free medical attendance, earned and casual leave, gratuity, travelling allowance etc. are allowed to staff artistes. The question of Government accommodation or house rent allowance in lieu thereof as also matters relating to leave rules and gratuity terms are under consideration..

VOCATIONAL AND TECHNICAL EDUCATION OF TRIBAL PEOPLE

1426. Shri Gohain: (a) Will the **Prime Minister** be pleased to state what steps are taken by Government to introduce vocational and technical education for the uplift of the tribal people of the North-East Frontier Agency?

(b) What is the achievement target of such schemes?

(c) What are the items of the schemes?

(d) What amount will be spent in putting through each of the schemes?

The Prime Minister (Shri Jawaharlal Nehru): (a) For the introduction of vocational and technical education in the Agency areas, the following steps have been taken:—

Four Cottage Industries Training Centres have been opened in four out of the six Districts of the Agency. In addition, three Weaving Centres for hill girls have been started. Carpentry, weaving, cane and bamboo work and agriculture are compulsory subjects in all schools in the North East Frontier Agency.

(b) The target under the Five Year Plan is to open 6 cottage Industries Training Centres and one Technical School at a total cost of Rs. 6·19 lakhs.

(c) In the Cottage Industries Training Centres sawing and carpentry, smithy, spinning and weaving tailoring, cane and bamboo work, leather work, masonry, soap making and bee-keeping are to be taught to adults, while in the Technical School, higher training is intended to be given in these and other industries to produce technicians and organisers of industries.

(d) Rs. 4·65 lakhs and Rs. 1·54 lakhs will be spent for the Cottage Industries Training Centres and the Technical School respectively.

PHILOLOGY AND CULTURE DEPARTMENTS FOR N.E.F. AGENCY

1427. Shri Gohain: Will the **Prime Minister** be pleased to state whether it is a fact that Philology and Culture Departments have been established for North-East Frontier Agency and if so, what are the objects of the same and what progress has been made so far?

The Prime Minister (Shri Jawaharlal Nehru): It is intended to establish Departments for Philology and Cultural Research in the North-East Frontier Agency.

Two Language Officers have been appointed with a view to prepare the ground for the Department of Philology.

The Philology Department is intended for research into and development of the various tribal languages in use in the North-East Frontier Agency.

The Cultural Research Department is intended for research into the dances, music, festivals, folk-songs, folk-tales and other cultural aspects of the life of the Tribal people. A subsidiary objective is to devise means by which such tribal customs and practices of the hill people as are sound and healthy, may be preserved and promoted.

Dictionaries of Sentences, Word Lists and Grammar of some of the Tribal languages have been compiled. Story books and Collection of folk-songs, folk-tales have also been taken in hand.

PAKISTAN TROOP MOVEMENTS ON KASHMIR BORDER

1428. Shri K. P. Sinha: Will the **Prime Minister** be pleased to state whether it is a fact that in the middle of March, 1953, heavy troop movements were noticed on Pakistan side on the Border of Punjab and Kashmir?

The Prime Minister (Shri Jawaharlal Nehru): Government are not aware of any such heavy troop movements in March 1953. There were some movements of troops in Pakistan which were presumably due to the internal situation prevailing in Punjab (Pakistan) at that time.

REMAINS OF JAPANESE SOLDIERS IN N. E. AND S. E. REGIONS OF INDIA

1429. Shri L. J. Singh: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Government of Japan have approached the Government of India to investigate where, in the North-eastern, and South-eastern Frontier regions of India, the remains of the Japanese soldiers might be lying; and

(b) if so, what action the Government of India have taken in the matter?

The Prime Minister (Shri Jawaharlal Nehru): (a) In January, the Japanese Government sought information, through their Embassy in New Delhi, on the whereabouts of the remains of Japanese nationals, both soldiers and civilians, who had died on Indian territory during the second world war.

(b) Since it was believed that such deceased Japanese internees were buried in the areas covered by the jurisdiction of the State Governments of Delhi and Ajmer, the Government of India addressed these State Governments in the matter. The Government of Delhi have replied that, as Japanese internees were not registered in Delhi, no information about their graves is available. The reply of the Ajmer Government is still awaited.

INTERNATIONAL PROTECTION FOR STATELESS REFUGEES

1430. Sardar A. S. Saigal: (a) Will the **Prime Minister** be pleased to state whether Government are aware that the U.N. Commissioner has appointed a representative to provide International protection for stateless refugees?

(b) How will the representative of the U. N. High Commissioner work as regards those who came to Kashmir two years ago from Sinkiang?

(c) Do Government know where his office will be located?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (c). The U.N. High Commissioner for Refugees has appointed several representatives to assist him in his task. One such representative has been appointed in Bangkok for the Far East.

(b) Government are not aware as to whether the refugees who came from Sinkiang into Kashmir some time ago will be affected in any way by the appointment of the U.N. High Commissioner or his representative. There are not many such refugees in Kashmir.

HOUSING OF RURAL POPULATION

1431. Shri K. C. Sodhia: (a) Will the Minister of **Works, Housing and Supply** be pleased to state whether Government propose to ascertain the total housing requirements of the rural population of the country?

(b) If so, do they contemplate the appointment of a suitable machinery for the purpose in the near future?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No; a sample survey might be undertaken later, if considered necessary.

(b) Does not arise.

निदशन, फोटोग्राफी तथा ध्वनि कला में प्रशिक्षण

१४३२. श्री दिगम्बर सिंह: (क) क्या सूचना तथा प्रसारण मंत्री बताने की कृपा करेंगे कि क्या यह सच है कि सरकार ने बम्बई में निर्देशन, फोटोग्राफी तथा ध्वनि कला में निःशुल्क शिक्षा देने की व्यवस्था की है ?

(ख) यदि "हां" तो किस स्थान पर ?

(ग) उसके नियम क्या हैं ?

(घ) क्या राजनीतिक पीड़ितों के लिये कोई विशेष सुविधा है ?

(ङ) उस में उम्मीदवारों का चुनाव किस प्रकार से होगा ?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Films Division of Government of India, Bombay.

(c) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 63.]

(d) No, Sir.

(e) Half the number of candidates are to be selected on the recommendations of the State Governments and the rest by the Central Government.

FOURTH BOILER IN BOKARO THERMAL PLANT

1433. Shri Viswanatha Reddy: Will the Minister of **Irrigation and Power** be pleased to state whether it is proposed to erect a fourth boiler also in Bokaro Thermal Plant after the completion of the present scheme of erecting three boilers and if so, when?

The Deputy Minister of Irrigation and Power (Shri Hathi): Yes, Sir. There is a proposal to erect fourth boiler in the Bokaro Thermal Station during the second phase of development of the Damodar Valley.

SHIPMENT OF CARTRIDGES TO MALAYA AND THE FAR EAST

1434. Shri N. B. Chowdhury: Will the **Prime Minister** be pleased to state whether a B.I.S.N. ship S. S. *Pandua* was loaded with boxes of cartridges in King George's Dock, Calcutta, in February last for shipment to Malaya and the Far East?

The Prime Minister (Shri Jawaharlal Nehru): No, Sir. The shipment was to Burma.

RADIO PROGRAMMES IN JAMMU AND KASHMIR

1435. Sardar A. S. Saigal: (a) Will the Minister of **Information and Broadcasting** be pleased to state whether it is a fact that expenditure on Radio programmes in the State of Jammu and Kashmir is lower than that on programmes on All India Radio at Delhi?

(b) If the reply to part (a) above be in the affirmative, what is the reason for the same?

(c) In which station are the charges the lowest and in which are the charges maximum and what is the difference between the two?

(d) Do Government propose to examine the whole question so that the difference may not be much?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The Delhi Station broadcasts a greater variety of programmes, including a Weekly National Programme, and has a longer daily period of transmission.

(c) The expenditure incurred on programmes by All India Radio during 1952-53 was highest in respect of Delhi Station and lowest in respect of the Aurangabad Station. The final figures of actual expenditure are not yet available; however, the difference between the allotment of funds made to the two Stations for 1952-53 was Rs. 4,42,200.

(d) In view of (b) above, there appears to be no need for such an examination.

BILKA DAM OF KOSI PROJECT

1436. **Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the design for the Bilka Dam of the Kosi Project Scheme has been finalised; and

(b) if so, its estimated cost and period of time for its completion?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The designs of the dam and appurtenant works have not been finalised: but they are nearing completion.

(b) The Project estimate is still under preparation and is expected to be ready sometime next month. It is not, therefore possible to give the estimated cost or the probable time of completion at the present stage.

RESIDENTIAL ACCOMMODATION IN NEW DELHI

1437. **Shri A. N. Vidyalankar:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether a suggestion was made to Government to ration Government residential accommodation in the New Delhi area: and

(b) if so, whether this proposal was considered?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir.

(b) Compulsory billeting or rationing of accommodation does not seem workable but sharing of accommodation on a voluntary basis is permitted.

SURVEY OF COTTAGE INDUSTRIES IN TRIPURA

1438. **Shri Biren Dutt:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether some money was budgeted for the survey of cottage industries in Tripura in the budget for 1952-53;

(b) what portion of the budget has been spent in 1952-53; and

(c) if some portion of it could not be spent, what were the reasons for the same?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) and (c). Do not arise.

COTTAGE INDUSTRY EXPERIMENTAL UNIT

1439. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to refer to the supplementaries to starred question No. 1545 asked on 22nd April, 1953 and state:

(a) why the Cottage Industry experimental unit started in 1950 at Harduaganj was closed down;

(b) for how many years it functioned;

(c) the total expenditure incurred on it;

(d) the names of cottage industries that were experimented there;

(e) who were in charge of the unit; and

(f) how many paid workers were working there?

The Minister of Commerce (Shri Karmarkar): (a) to (f). The Cottage Industries Institution at Harduaganj was started in 1950. The object was training for cottage industries work and research for the introduction and popularisation of appropriate types of machinery. Suitable accommodation was not easily available at that time and Harduaganj was chosen mainly because it was thought that existing unused factory buildings could be adapted for the purposes. Of the total expenditure of Rs. 3,57,770, which was incurred on the scheme upto October 1952, Rs. 1,64,500 was spent for renovation of buildings. On equipment, consisting mainly of Japanese machinery and certain machine tools for repair and maintenance the expenditure was Rs. 80,820. The balance of Rs 1,12,450 was incurred on staff, contingencies, etc. The Institution was in charge of Shri S. S. Palit, and employed 18 paid workers.

After the scheme was started, the provision of training facilities had to be abandoned because of other arrangements made by the Labour Ministry for similar purpose. An attempt was made to concentrate work on testing the Japanese machinery and using them experimentally under local conditions to see how far and with what modifications they could be usefully adapted to requirements of the country. The work of the Institution, therefore, consisted mainly in experimenting on the suitability of Japanese machinery which had been obtained for a variety of purposes, such as, needle-making, mat weaving, fodder cutting, printing, oil crushing, etc. Some of the machines were found unworkable while with very little experience it became evident that others were unsuitable. A series of experiments were conducted on the rest and as a result it was found that Japanese Hander Oil Expellers for extraction of mustard oil, Japanese Garabo and Nissokhu Looms and Japanese fodder cutting machines were found very useful under Indian conditions. Some arrangements have been made for the manufacture on a commercial scale of the above-mentioned oil expeller and fodder cutting machine. The training activities having been given up and the scope for further research on the Japanese machines having been found to be very limited, it was found that the continuance of the Institution would only result in unfruitful expenditure. Because of its isolated situation and the lack of foundry and workshop facilities in the area, it was not found feasible to develop commercial manufacture on a large-scale of approved types of machines or undertake experiments of a nature which require such facilities. Because of these reasons, it was decided that the continuance of the Institution would serve no useful purpose and it was, therefore, closed in January, 1953.

JUTE MILLS IN WEST BENGAL

1440. Shri Badshah Gupta: Will the Minister of **Commerce and Industry** be pleased to state

(a) the total number of looms operating in the jute mills in West Bengal, namely the Bengal (Soorajmall Nagarmall), the Birla (Birla Brothers) and the Hukumchand (Ram Dutt Ram Kissen) Jute Mills; and

(b) total number of looms operating in the West Bengal Jute Mills namely Fort William (Kettlewell Bullen and Co.), and Gouripore (Macreill Barry Ltd.) and Ganges (Macreill Berry Ltd.) Jute Mills?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement giving the required information is laid on the Table of the House. [*See* Appendix XI, annexure No. 64.]

FOREIGN MARKETS FOR TOBACCO

1441. Shri Nanadas: Will the Minister of **Commerce and Industry** be pleased to state what steps have been taken to explore new markets for our tobacco in foreign countries since 1948 and with what results?

The Minister of Commerce (Shri Karmarkar): A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 65.]

REGISTRATION OF INDUSTRIES

1442. Shri K. C. Sodhia: (a) Will the Minister of **Commerce and Industry** be pleased to state the probable number of industrial undertakings who are evading registration under the Industries (Development and Regulation) Act?

(b) In how many cases has revocation of registration been made?

(c) In how many cases has penal action been taken?

The Minister of Commerce (Shri Karmarkar): (a) Government have no information.

(b) Six.

(c) None so far.

TEXTILE COMMISSIONER'S OFFICE

1443. Shri K. C. Sodhia: (a) Will the Minister of **Commerce and Industry** be pleased to state whether Government propose to reduce the strength of staff and budget of the Textile Commissioner's Office in view of the partial decontrol of cloth and simplification of excise duty?

(b) Has any additional duty been entrusted to this Office?

The Minister of Commerce (Shri Karmarkar): (a) Some reduction has already taken place and there is likelihood of further reduction.

(b) Yes. The Textile Commissioner now deals with the Handloom Board, and the development of the silk, art silk, wool and coir industries.

CERTIFYING FILMS FOR EXHIBITION

1444. Shri L. J. Singh: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number and the names of the films which were not certified for public exhibition from January, 1952 to March, 1953; and

(b) the principal reasons for not certifying them?

The Minister of Commerce (Shri Karmarkar): (a) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 66.]

(b) The principal reasons for not certifying the films were that they dealt with sex or crime or were of a low moral tone or objectionable from the point of view of law and order of foreign relations.

ORDERS FOR TUBE-WELL EQUIPMENTS

1445. Shri A. N. Vidyalankar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any orders have been placed with the Indian manufacturers of tube-well equipments in connection with the construction of tube-wells in India; and

(b) if so, the extent of these orders?

The Minister of Commerce (Shri Karmarkar): (a) Orders are being placed.

(b) About 263 pumping sets, 2,000 tons of copper and A.C.S.R. conductors and 495 transformers are proposed to be ordered by the State Government from the Indian manufacturers.

STAFF OF A. I. R. STATIONS AT HYDERABAD AND AURANGABAD

1446. Shri H. G. Vaishnav: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether any change in the designations is proposed to be made in the personnel and the staff working in A.I.R. stations at Hyderabad Deccan and Aurangabad; and

(b) the reasons for making such a change?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir, since the pre-merger designations had been changed to designations of similar posts in All India Radio.

(b) The changes had been made with a view to maintaining uniformity of designations of identical posts in All India Radio.

LOAN TO HYDERABAD GOVERNMENT

1447. Shri H. G. Vaishnav: (a) Will the Minister of **Irrigation and Power** be pleased to state whether any loan is to be granted by the Centre to Hyderabad State to finance the latter's irrigation projects?

(b) If so, what is the extent of loan and the project concerned?

(c) Has the request of the Hyderabad Government for the grant of an additional loan for the repairs of the breached tanks in the State also been granted?

(d) If so, to what extent?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The reply is in the affirmative.

(b) A statement giving the information is attached. [*See* Appendix XI, annexure No. 67.]

(c) and (d). As indicated in the statement, the State Governments request is under the consideration of the Government of India.

ROCK SALT DEPOSITS IN HIMALAYAS

1448. Shrimati Kamlendu Mati Shah: Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that rock salt is found in plenty in the interior regions of the Himalayas; and

(b) if so, what steps Government have taken or propose to take to exploit these deposits of rock salt?

The Minister of Production (Shri K. C. Reddy): (a) Rock salt deposits have been found in Guma, Drang and Maigal in Mandi District, Himachal Pradesh.

(b) Rock salt to the extent of more than 1½ lakh maunds per annum is already being mined at these sources, its principal markets being the hilly tracts within Himachal Pradesh and to a small extent the Kangra District of the Punjab and parts of Jammu and Kashmir.

Work has also been started on a scheme to develop the Mandi Mines on modern lines. Drilling operations to determine the extent of deposits are now under way, and future action will depend on the results of these operations.

SCHEME TO DEAL WITH CORRUPTION

1449. Shri Muniswamy: (a) Will the Minister of **Planning** be pleased to state whether it is a fact that the Bharat Sevak Samaj had submitted an "Elaborate Scheme" to the Planning Commission to deal with corruption among officials at all levels?

(b) If so, do Government propose to place on the Table of the House a statement giving the details of the Scheme?

(c) Have Government come to any decision regarding the Scheme?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) A statement is laid on the Table of the House giving the details of the scheme. [*See* Appendix XI, annexure No. 68.]

(c) The Government are in general agreement with the principles of the scheme and the details are being worked out in consultation with the Ministries concerned.

क्षय रोग से पीड़ित सरकारी कर्मचारियों के लिये निवास स्थान

१४५०. श्री एस० सी० सिंघल : क्या निर्माण गृह-व्यवस्था तथा रसद मंत्री बताने की कृपा करेंगे कि :

(क) क्या अस्वास्थ्यकर निजी मकानों में रहने के कारण क्षय रोग से पीड़ित सरकारी कर्मचारियों को सरकारी मकान देने में प्राथमिकता दी जाती है ;

(ख) यदि भाग (क) का उत्तर "हां" है तो १-१-१९५२ से ३१-३-१९५३ तक ऐसे कितने प्रार्थना-पत्र आये हैं और कितने ऐसे व्यक्तियों को सरकारी निवास-स्थान दिये गये हैं ; तथा

(ग) विशेष निवास-स्थान के लिये इसी कालावधि में प्राप्त हुये कुल प्रार्थना-पत्रों में से कितनों के साथ डाक्टरी प्रमाण-पत्र थे जिन में सरकारी निवास-स्थान दिये जाने की सिफारिश की गई थी ; और कितने ऐसे व्यक्तियों को वास्तव में सरकारी क्वार्टर दिये गये हैं ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, by considering them for special accommodation intended for out-of-turn allotment.

(b) 6, out of which 5 have been sanctioned and two officials actually allotted accommodation.

(c) All were supported by medical certificate.

RECRUITMENT TO DISPOSALS DEPARTMENT

1451. Shri K. K. Basu: (a) Will the Minister of **Works, Housing and Supply** be pleased to state the total number of Class II, Class III and Class IV staff recruited during 1940—45 in the Old Disposal Department which is now under the Ministry?

(b) How many of them have been absorbed in the permanent cadre?

(c) How many of them have been retrenched after 1945?

(d) How many were demoted and how many have resigned?

(e) How many of them are still working as temporary?

(f) Were the orders issued for the appointment of the persons referred to in part (a) above considered regular?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) to (f). The information is being collected and will be laid on the Table of the House.

METALLURGICAL COAL

1452. Shri P. C. Bose: Will the Minister of **Production** be pleased to state:

(a) the various grades of coal which are considered to be metallurgical coal;

(b) the coal fields where this kind of coal has been found and is being worked; and

(c) the other grades of coal which can be turned into metallurgical coal with the help of washeries?

The Minister of Production (Shri K. C. Reddy): (a) and (c). Only certain types of coal are convertible on carbonisation into metallurgical coke. Normally, low volatile coals of grades upto and including Grade II are suitable for use as metallurgical coal. Selected grade B, and grades I and II would need to be first washed to reduce the ash content. Grade III coal can also be washed and rendered suitable for use as metallurgical coal but the yield of coke is likely to be small and the process rather costly.

(b) Jharia, Raniganj, Giridih and East and West Bokaro Coalfields.

COTTAGE INDUSTRIES IN DAMODAR VALLEY PROJECT AREAS

1453. Shri P. C. Bose: Will the Minister of **Irrigation and Power** be pleased to state:

(a) the number of persons who have lost or are likely to lose their cultivation lands on account of the Damodar Valley Projects;

(b) whether Government have any scheme to provide these people with facilities for organising cottage industries with electricity which is now available there; and

(c) whether Government have decided to supply electricity in this area at a cheap rate?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) About 60,000 persons would be affected by the Damodar Valley Project.

(b) Under the Damodar Valley Corporation Act, 1948, the overall development of the Damodar Valley, is the responsibility of the D.V.C. The Corporation have not yet formulated any scheme for organising cottage industries in the Damodar Valley area.

(c) Under the D.V.C. Act, 1948, the Corporation cannot undertake supply of electricity at pressures of less than 30,000 volts without the permission of the State Government concerned. The detailed distribution of electricity is a matter for the State Governments concerned.

ISSUE OF ADVERTISEMENTS

1454. **Shri Muniswamy:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the policy and procedure adopted by the Central Government in giving advertisements to newspapers;

(b) whether the resolutions passed by the Standing Committee of the AINEC have come to the notice of Government; and

(c) if so, what action was taken by Government?

The Minister of Commerce (Shri Karmarkar): (a) The policy regarding giving advertisements to newspapers is under consideration of Government.

(b) and (c). Government have not received a copy of resolutions passed by the Standing Committee of the All India Newspaper Editors' Conference but have seen reports published in the Press.

ARECANUT EXPORTS TO MALAYA

1455. **Shri Muniswamy:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that arecanut dealers in Malaya have asked the Indian Government to increase the present arecanut quota?

(b) If so, what action was taken by the Government of India?

The Minister of Commerce (Shri Karmarkar): (a) No such representation has been received.

(b) Does not arise.

MANDI SALT MINES

1456. **Shri Hem Raj:** (a) Will the Minister of **Production** be pleased to state whether the core drilling and thermo compression evaporator schemes have been put into operation in the Mandi Rock Salt Mines?

(b) If so, from what date?

(c) How much salt is expected to be obtained yearly by these methods?

The Minister of Production (Shri K. C. Reddy): (a) Core drilling operations in Mandi Salt Mines are now in progress. The installation of Thermo Compression Evaporators will depend on the results of the core drilling.

(b) The drilling programme was started on the 4th December, 1952.

(c) About 66,000 tons yearly.

SALT PRICES

1457. **Shri Hem Raj:** (a) Will the Minister of **Production** be pleased to state the manner of fixation of prices of salt produced in different parts in India?

(b) What is the prevailing price of the Mandi-Rock Salt as compared with salt produced in other parts of India?

(c) How is it computed and fixed for purposes of sale?

The Minister of Production (Shri K. C. Reddy): (a) The manner of fixing the price of salt varies with the States in which it is produced. In Government factories the price is fixed after taking into consideration the cost of production and the general principle is no-loss no-profit basis. In the case of private salt factories, some State Governments, *viz* Madras and Orissa have fixed ceiling ex-factory prices in their areas by the issue of orders under the Essential Supplies (Temporary Powers) Act, 1946 on the basis of cost of production plus some margin of profit. In other States *viz.* Bombay, Saurashtra, Kutch, Travancore-Cochin and West Bengal, the prices are neither fixed nor controlled by the Government.

(b) A statement giving the requisite information is placed on the Table of the House. [*See* Appendix XI, annexure No. 69.]

(c) The price of Mandi rock salt continues at the rate of Rs. 2 per maund fixed by the Himachal Pradesh State Government before the financial integration of the State with effect from 1st April, 1950.

DUTY ON SALT

1458. Shri Raghavaiah: (a) Will the Minister of **Production** be pleased to state whether any suggestions have been made through official or non-official channels for the exemption of levy of duty on salt produced by Co-operative Societies?

(b) If so, from whom and with what results?

The Minister of Production (Shri K. C. Reddy): (a) No, no such suggestion has been made. In any event, it is presumed the hon. Member means 'Cess' and not 'Duty', as duty on salt was abolished with effect from the 1st April, 1947.

(b) Does not arise.

SHELLAC AND LAC (EXPORT)

1459. Shri Punnoose: Will the Miniter of **Commerce and Industry** be pleased to state:

(a) the quantity with valuation of the annual export, country-wise, of shellac, stick lac and seed lac separately during 1949-50, 1950-51, 1951-52 and 1952-53; and

(b) the names of firms in India which export shellac, stick lac and seed lac?

The Minister of Commerce (Shri Karmarkar): (a) A statement is placed on the Table of the House. [*See* Appendix XI, annexure No. 70.]

(b) Hon. Member's attention is drawn to pages 12 to 17 in the Directory of Exporters of Indian Produce and Manufactures Part VIII published by the Manager of Publications, New Delhi, which contains the required information.

भारतीय सिपाही का पाकिस्तानियों के हाथों वध

१४६०. श्री रघुनाथ सिंह : (क) प्रधान मंत्री बताने की कृपा करेंगे कि क्या यह सच है कि २३ अप्रैल, १९५३, को एक भारतीय सिपाही, श्री साधू सिंह को. जब कि वह सीमा पर गश्त कर रहा था, पाकिस्तानी सिपाहियों ने गोली से मार दिया और पोस्टमार्टम करके उसकी लाश लाहोर में गाड़ दी ?

(ख) भारत सरकार ने इस मामले में क्या कार्यवाही की है ?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). According to information available, Foot Constable Sadhu Singh of the Punjab Armed Police lost his way while proceeding from village Sankatra to his post at Kalas, Amritsar District on the night of the 23rd April 1953. He appears to have entered Pakistani territory by mistake and to have been shot dead by the Pakistan Border Police. The Punjab (I) Police have protested to the Pakistan Border Police and have asked for the return of his body. A detailed report from the Punjab (I) Government is awaited.

IMPORT OF D. D. T.

1460-A. Shri P. C. Bose: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of D.D.T. annually imported by India;

(b) the names of the countries from where it is imported;

(c) the rate of price at which it is imported; and

(d) the international rate of prices of the commodity?

The Minister of Commerce (Shri Karmarkar): (a) About 550 tons in 1950-51, 233 tons in 1951-52 and 700 tons in 1952-53.

(b) D.D.T. is at present imported mainly from the U.S.A., although small quantities are also imported from the U.K., Switzerland and other soft currency areas.

(c) The c.i.f. price ranges from Rs. 2 to Rs. 2/8/- per lb.

(d) So far as Government are aware, there is no internationally fixed price for D.D.T.

GAS UNDER STORES GODOWNS AT BERMO COAL FIELDS.

1460-B. Shri N. P. Sinha: (a) Will the Minister of **Production** be pleased to state whether gas has developed below the stores godowns of the late I.M.C.C. at Bermo coal fields?

(b) If so, when?

(c) What steps have been taken to extinguish the gas or to change the site of the Stores?

The Minister of Production (Shri K. C. Reddy): (a) and (b). The Stores godown is built on an old overburden spoil dump. This area had been under observation for incipient heating for the last twenty years. There is very little gas coming out now.

(c) The smouldering fire has always been under control and no damage has been done to the stores in the godown.

The question of changing the site of the Stores godown was considered last year but the proposal was not pursued owing to difficulty in getting a suitable site and the cost involved in constructing new buildings, and also due to the fact that the advantage to be gained by such a change of the godown was not worth the expense.

CENTRAL BOARD FOR GOVERNMENT INDUSTRIAL UNDERTAKINGS.

1460-C. Shri S. N. Das: Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that the Government of India have under active consideration the proposal for establishing a single Central Board which will concern itself with larger problems of policy, management and organisation of the industrial undertakings of the Central Government;

(b) if so, when the final decision is likely to be taken in the matter; and

(c) whether the principle of having such a Board has been accepted by Government?

The Minister of Production (Shri K. C. Reddy): (a) to (c). A proposal for the constitution of a Central Authority for the management of State industrial undertakings is under the consideration of Government.

AID FOR ECONOMIC DEVELOPMENT OF NEPAL.

1460-D. Shri S. N. Das: (a) Will the **Prime Minister** be pleased to state whether the Nepal Government has sought the advice and help of the Government of India with regard to the formation of a plan for the economic development of Nepal?

(b) If so, in what way the Government of India have responded?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). In answer to Starred Question No. 101, a Press Note was laid on the Table of the House on the 22nd May 1953.

Subsequently a team of officers was sent on behalf of the Planning Commission to Nepal in June 1952 to make a preliminary survey of the existing development schemes in Nepal and to make recommendations for future economic development there. On return, the team suggested that a comprehensive development plan for Nepal could not be attempted satisfactorily at this stage, because of the lack of basic data. Therefore, the main emphasis should be on the creation of a sound administrative and financial system, collection of basic data and survey of important resources. Special stress was laid, however, on the development of communications.

The report was sent to the Nepal Government whose reply is still awaited. Meanwhile, the question of sending some experts from India to Nepal and of giving facilities for training of Nepalese personnel in India is receiving special consideration.

SUPERPHOSPHATES

1460-E. Shri S. C. Samanta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the reasons for sudden fall in the production of Superphosphates in the year 1952; and

(b) the position in regard to the production of the same in the first quarter of 1953?

The Minister of Commerce (Shri Karmarkar): (a) The main factor that contributed to the fall in production in 1952 was the reduced off-take of superphosphates by the consumers.

(b) The production in the first quarter of 1953 was 6,227 tons.

दूरपूर्व में भारतीय दूतावास

१४६०-एफ श्री रघुनाथ सिंह : क्या प्रधान मंत्री बताने की कृपा करेंगे कि क्या यह सच है कि दूरपूर्व में हमारे पांच दूतावासों में कोई पुस्तकालय नहीं है और वहां से व्यापार एवं वाणिज्य के संबंध में सूचना प्राप्त करने का कोई अन्य साधन नहीं है ?

The Prime Minister (Shri Jawaharlal Nehru): There are small libraries attached to all Indian Missions in South East Asia and the Far East. A scheme for the expansion and reorganization of some of these libraries is under consideration. Except for Peking, all these missions have Commercial Sections which can supply information on important matters relating to Indian trade and commerce.

EXPORT OF COTTON PIECE GOODS TO TIBET

1460-G. Shrimati Tarkeshwari Sinha: (a) Will the Minister of **Commerce and Industry** be pleased to state whether Government have decided to issue licences for the export of cotton piece goods to Tibet with a validity period of one year?

(b) Is there any quota fixed for the export?

(c) If so, what will be the amount?

The Minister of Commerce (Shri Karmarkar): (a) Yes.

(b) and (c). Licensing is not done according to a quota basis.

NANDI KONDA DAM.

1460-H. Shri Nanadas: (a) Will the Minister of **Planning** be pleased to state whether the Madras and the Hyderabad Governments have submitted a joint note in regard to the cost of the Nandi Konda Dam?

(b) If so, what are the estimated cost and the measurements of the Dam?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No.

(b) Does not arise.

YOUTH CAMPS

1460-I. Shri T. S. A. Chettiar: Will the Minister of **Planning** be pleased to state:

(a) whether any proposals, asking for aid for running youth camps, has been received by the Government of India;

(b) whether these applications can be made direct or only through State Governments;

(c) whether any institution has been given aid under this head; and

(d) if so, the names of such institutions?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). The scheme for youth camps is being worked out at present. No proposals have been received so far.

GRANT-IN-AID TO INSTITUTIONS CONDUCTING SOCIAL WORK

1460-J. Shri T. S. A. Chettiar: Will the Minister of **Planning** be pleased to state:

(a) whether any applications for aid have been received as contemplated under the Head 'Grant-in-aid to Institutions conducting social work';

(b) if so, whether any aid has been given;

(c) whether these applications are received direct or through the State Governments; and

(d) the basis on which these grants are distributed?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) Yes, in one instance an *ad hoc* grant has been given.

(c) Direct.

(d) It is for the Central Social Welfare Board to lay down the basis on which these grants are to be distributed.

IMPORT DUTY ON "REAL PEARLS UNSET"

1460-K. Shrimati Jayashri: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the income from the import duty of 20 per cent. imposed on "Real Pearls Unset";

(b) whether India exports real oriental pearls; and

(c) whether raw emeralds are allowed to be imported duty free?

The Minister of Commerce (Shri Karmarkar): (a) It is too early to assess income from the import duty.

(b) Yes, Sir.

(c) Yes, Sir.

HAJ PILGRIMAGE

1460-L. Shri H. N. Mukerjee: Will the **Prime Minister** be pleased to state:

(a) whether Government's attention has been drawn to representations from Indian nationals who are intending *Haj* pilgrimage, requesting that Calcutta port be re-opened for their embarkation *en route* to Jeddah;

(b) whether Government are aware that Indian nationals making the said pilgrimage from Assam, West Bengal and Bihar, are sufficiently numerous for such voyage to be arranged for from Calcutta Port;

(c) whether it is a fact that *Haj* pilgrims have to pay a special Registration tax in Bombay Port; and

(d) whether money so collected are utilised for amenities to the said pilgrims?

The Prime Minister (Shri Jawaharlal Nehru): (a) No such representations have been received.

(b) The Government of India do not consider that the number of Indian pilgrims from Assam, West Bengal and Bihar is sufficient to justify the re-opening of the Port of Calcutta for *Haj* sailings. This view is also shared by the members of the Central Haj Committee.

(c) and (d). Pilgrims are supplied with pilgrim passes in the place of passports. All these passes, irrespective of the place of issue, have to be registered with the Executive Officer of the Port Haj Committee, Bombay, on payment of Rs. 6 per pilgrim pass.

The money so collected is distributed amongst the Port Haj Committee, Bombay, Special Haj Committee, Calcutta and other States Haj Committees which have been set up solely for the purpose of looking after the welfare of Indian pilgrims to the Hejaz.

Dated....25.11.20

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Wednesday, 13th May, 1953

The House met at a Quarter Past Eight of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

9-15 A.M.

MOTION FOR ADJOURNMENT

LATHI CHARGE BY POLICE IN DELHI

Mr. Deputy-Speaker: I have received notice of an adjournment motion: a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance namely "the brutal and unprovoked lathi charge on the bystanders, passers-by, and shoppers yesterday at 7-45 p. m. near the Dewan Hall in Delhi and the unprovoked assault by the Delhi police on Shri V. P. Joshi an advocate of Delhi".

Has the hon. Home Minister any information?

The Minister of Home Affairs and States (Dr. Katju): I have not got any precise information. Whatever information I have is quite contrary to the insinuations made in this motion. But I suggest that a Short Notice Question may be put and then I shall be able to put all the real facts before the House as to what is happening in Delhi so that the Members of the House may know.

Shri U. M. Trivedi (Chittor): I agree to that.

Mr. Deputy-Speaker: Therefore, consent is not granted.

170 P.S.D.

QUESTION OF PRIVILEGE

ARREST OF A MEMBER

Mr. Deputy-Speaker: Regarding the question of privilege, under the rules, in view of the statement made yesterday and the telegram that was received regarding Dr. Mookerjee's arrest from the Chief Secretary to the Kashmir Government, I think no more questions of privilege arise. under rule 201, the right to raise a question of privilege shall be governed by the following conditions:

> "(i) not more than one question shall be raised at the same sitting;
>
> (ii) the question shall be restricted to a specific matter of recent occurrence."

The specific matter that was referred to was the arrest of Dr. Mookerjee. As was decided by the Committee of Privileges in connection with the arrest of Mr. Deshpande, it was laid down that there ought to be no special privilege in the case of a Member of the House as opposed to any ordinary person. No discrimination or no special privilege of freedom from arrest was granted to him. In the usual course he is arrested. All that is required is that the arresting authority must intimate the factum of arrest to the House. That was done and I read it out to the House. I called for any other matters or points. The hon. Member has written to me that there are a few points to urge in justification of the privilege. I am not prepared to admit it now because he has to give a statement. Under the rules, not more than one question shall be raised at the same sitting. So far as that question is concerned, that has sufficiently been answered. I received a telegram and I read it out to the House. Therefore....

Shri N. C. Chatterjee (Hooghly): Would you give me a chance?

Mr. Deputy-Speaker: Before I give my consent. I must be satisfied. It is

[Mr. Deputy-Speaker]

for that purpose that I wanted to know. He has not given me anything. Therefore......

Shri N. C. Chaterjee: May I....

Mr. Deputy-Speaker: Order, order. Apart from what I am going to do in respect of this matter, normally, matters must be brought to my notice. Then, I must look into them and if there is no question, I need not give my consent and take up the time of the House.

Shri N. C. Chatterjee: May I respectfully point out, Sir, that with regard to Shri Deshpande's matter, the Privileges Committee Report was never considered by the House.

Mr. Deputy-Speaker: What is the question of privilege, I want to know first of all?

Shri N. C. Chatterjee: The question of privilege is this: It is the privilege of every Member of Parliament to visit any part, any State or territory of India. You know, under article 19, clause 1......

Mr. Deputy-Speaker: And he should not be arrested whatever he may do?

Shri N. C. Chatterjee: I do not say that. Every citizen of India has freedom of movement throughout the territory of India and that is a guaranteed right. Certainly a Member of Parliament is a citizen of India. The Government of India, as the reports show, allowed Dr. Mookerjee to proceed to Jammu and Kashmir. As a matter of fact—I am reading from the *Hindustan Times*......

Mr. Deputy-Speaker: We are not going into the merits of the case.

Shri N. C. Chatterjee: I am pointing out that the Deputy Commissioner of Gurdaspur informed Dr. Mookerjee........

The Prime Minister (Shri Jawaharlal Nehru): That is not correct. May I intervene? That report is wrong.

Shri N. C. Chatterjee: May I tell the Prime Minister the facts reported and may I complete my sentence? The Deputy Commissioner told Dr. Mookerjee that he had instruction from the Government of India that in spite of the permit system or the passport system, there will be no difficulty created and he can march into the State of Kashmir. As a matter of fact, he took him upto the border. Then he entered Kashmir. Then, straightway, the Government of Jammu and Kashmir arrested him. Is it not the duty, is it not the right of every Member of Parliament to visit any State? And the State of Jammu and Kashmir under article 1......

Some Hon Members: It is the duty of the Member to obey the law first.

Shri N. C. Chatterjee:...Jammu and Kashmir State is a Part B State and is part of the territory of India.

Shri S. C. Samanta (Tamluk): On a point of order, Sir,......

Shri N. C. Chatterjee: Therefore, I maintain that it is the right and privilege of every Member of Parliament to visit any State, especially when our Government have not put any fetter or embargo. If that is so, is it not a breach of privilege of a Member to go and visit any State, see things for himself and report to Parliament or fight for the redress of any grievances there? Is it not his right? Is it not his duty? There is no territorial limitation with regard to a Member of Parliament that he can only represent the grievances of his own constituency and of no other part or territory. That is my question of privilege which, I think, is worthy of consideration by the House. The report in Mr. Deshpande's case never came up before this House. Dr. Katju simply placed it on the Table. We had no chance to discuss it. You know, Sir, there was a strong dissentient note that a different view should be taken.

Mr. Deputy-Speaker: I understand that the fact is, as the Prime Minister said, so far as permission from the Deputy Commissioner is concerned, that was not granted. Apart from that matter, it is open to this Deputy Commissioner to think that it was all right. But, it is for the Government of the particular State to consider whether permitting any Member or any other person will seriously jeopardise the law and order situation there or the sense of security there. We are not sitting in judgment as to whether meticulously the apprehension that the entry of any hon. Member, even be he a Member of this House, might provoke or create a situation which they expected ought not to arise in the State, is right. We are not sitting in judgment over that matter. There is no question of special privilege so far as a Member is concerned. If he is detained like any other person, he can have recourse in the ordinary course, to placing his case and getting a decision. All that is there. All that we are concerned with is whether in the due course he was detained or whether any exception was made in his case, which would not be made in the case of an ordinary person. From the telegram, it is seen no such thing has been done. All that has to be done so far as this House is concerned is to keep this House informed regarding the arrest of any Member so that this House may keep a watch over that matter. That has been done. I am advised, having regard to the facts here, I am not called upon to give my consent. There is no special previlege so far as this matter is concerned.

Shri U. M. Trivedi (Chittor): On a point of order, Sir. I would like to know whether you received any communication other than by telegram? Is communication by telegram sufficient communication to the House?

Mr. Deputy-Speaker: I have treated it as such, unless the hon. Member thinks that there is something wrong as set out in the telegram. Even without waiting for a telegram, questions of privilege are raised. Therefore, the telegram is the one thing which we go by. We have no communication to the contrary.

Sardar Hukam Singh (Kapurthala-Bhatinda): Please refer to the second objcetion......

Shri Syed Ahmed (Hoshangabad): In that case, Dr. Mookerjee's arrest might not have taken place; we have got only a telegram.

Sardar Hukam Singh: You have not been pleased to refer to the second objection of Mr. Chatterjee. You were pleased to refer to Mr. Deshpande's case. Certainly the Committee did report that there was no exemption so far as Members of Parliament are concerned, from arrest. But that has never been adopted by this House. I want to know whether that report only could form a precedent or an example to be followed by the House for all time or whether that has to be adopted or approved by the House before we can follow that.

Mr. Deputy-Speaker: Whether it was approved by this House or formally placed before the House or not, according to the precedents in *May's Parliamentary Practice*, no Member has got any special privilege which is not granted to any other citizen of India. There cannot be any discrimination. This is also based on fundamental rights. No special privilege is granted in the same Constitution which enacts fundamental rights to all citizens irrrespective of their position. Therefore, I cannot make any such discrimination. Whether that report has been formally adopted or not, the general principles are there and I follow those principles.

LEAVE OF ABSENCE

Mr. Deputy-Speaker: I have to inform hon. Members that I have received the following letter dated the 9th May, 1953 from Shri Baddam Yella Reddy:

> "I arrived in Delhi today by G. T. Express from Hyderabad. I do not think that my absence from the House exceeded the sixty days period. In any event if my absence exceeds sixty days the absence may be condoned as it was not deliberate but because of my ill health during the said period."

Shri Baddam Yella Reddy was unable to attend the sitting of the House on the 9th May, 1953 and completed 60 days of continuous absence from the sittings of the House on the 10th May, 1953. He has been attending the sittings of the House since the 11th May, 1953

Is it the pleasure of the House that the absence of Shri Baddam Yella Reddy for 60 days from the 11th March to 10th May, 1953, be condoned?

Absence was condoned.

MESSAGES FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following two messages received from the Secretary of the Council of States:

> (i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 12th May, 1953, agreed without any amendment to the Industries (Development and Regulation) Amendment Bill, 1953, which was passed by the House of the People at its sitting held on the 5th May, 1953."

> (ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 12th May, 1953, agreed without any amendment to the Patiala and East Punjab States Union Legislature (Delegation of Powers) Bill, 1953, which was passed by the House of the People at its sitting held on the 30th April, 1953."

PAPERS LAID ON THE TABLE

The Minister of Commerce (Shri Karmarkar): I beg to lay on the Table a copy of the Ministry of Commerce and Industry Order No S. R. O. 744, dated the 22nd April, 1953 [*Placed in Library. See* No. S—63/53].

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): I beg to lay on the Table a copy of the half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London, during the period ending the 31st December, 1952. [*See* Appendix XI, Annexure No. 57].

VINDHYA PRADESH LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) BILL

Clause 2 was added to the Bill.

Clause 3.—(*Prevention of disqualification etc.*)

Shri Madhao Reddi (Adilabad): I beg to move:

In page 1, line 14, omit "and shall be deemed never to have disqualified".

Shri Vallatharas (Pudukkottai): I beg to move:

In page 1, for clause 3, substitute:

"3. *Prevention of disqualification for membership of the Legislative Assembly of Vindhya Pradesh.*—It is hereby declared that the offices of the members of any district Advisory Council are not offices of profit under article 102 of the Constitution, from the date of this Act coming into force."

Mr. Deputy-Speaker: Amendments moved:

(1) In page 1, line 14, omit "and shall be deemed never to have disqualified".

(2) In page 1,

for clause 3, substitute:

"3. *Prevention of disqualification for membership of the Legislative Assembly of Vindhya Pradesh.*—It is hereby declared that the offices of the members of any district Advisory Council are not offices of profit under article 102 of the Constitution, from the date of this Act coming into force."

I would like to point out to hon. Members that there are two points: whether, first of all, Parliament should condone or create such exemption from disqualification; and whether it should have retrospective effect. Both of them have been discussed at length.

If there are any new points, hon. Members may state them to the House in order to persuade the House to accept the amendments.

Shri Vallatharas: By my amendment I have proposed a fresh clause to be substituted for Clause 3 of the Bill.

It is quite true that during the last two days arguments in large number and of varied interest have been advanced. One thing is patent. If the mind feels lightly about the situation, we need not probe too much into the affair; but if we want to preserve the honour of this House, we will have to view the matter very seriously. Nothing that we do should cast a deep shadow of regret in the future. What we do, of course, is really supreme. Parliament's powers are unlimited. Of course, everything is subject to limitation, but when I say that Parliament's power is supreme, I do not say that Parliament can pass a legislation that the heads of 35 crores of people can be chopped off. There is a limit, but within that limit, it is supreme. We are representatives of the people, and the popular will we are to execute. With that responsibility I say that we are supreme.

Hearing the arguments put forward so far, I have canvassed a number of points. But my efforts will be to see that I do not repeat them or even try to touch them, and I will be successful if I am able to bring out any new suggestion which may enlighten the consideration of the House. But being a lawyer, I have got a great duty to this House, and I must discharge that duty conscientiously.

Here, the point is that the power of this Parliament is not disputed to pass the legislation. As an English jurist has put it, the House of Commons has got the power to pass a legislation even to boil the Bishop of Rochester's cook to death. We can also boil Ministers, officers, Members, everybody. But all of them are subject to such limitations. We do not boil anybody except boiling ourselves, because, sometimes, we feel so crooked and narrow that we cannot extend our imagination to such unprejudiced heights and fixed principles to be followed in the future.

What is all this calumnious talk during the last two days? It is regrettable that this Bill should meet with so much of opposition or be sponsored with irrational prejudice by the Government side.

Two positions are quite clear. I might put it in unambiguous language. Nobody ever says that a Member of this House or of any Legislature in this country should be disqualified for such silly reasons as the one in this case, *viz.*, office of profit. There is general wish that such disqualifications should be removed. I do not think there is any second view about that position. And the other thing is that Parliament is competent to pass a legislation. Conceding these two points, why such a big, bitter opposition has risen against this Bill is the point in question. I have heard Mr. Shah speaking in a heated manner over this, and I have heard another veteran speaker, Mr, Raghavachari, coming out in his emotional and natural manner. I have also heard the Attorney-General's opinion on the matter, but it is regretful to say that no two lawyers agree. The opinion of the Attorney-General is as good as mine or of any other lawyer in this country. I must say that his opinion, irrespective of the fact that it is entitled to great weight at the hands of those who want it for their support, is highly limited by certain considerations. I put to you one aspect of this question. It is my view that a negligent and rough thinking administration and an imbecile and somnambulistic law-drafting machinery are responsible for all this. If these two institutions had been a bit alert, nothing would have happened, and these two days would have been saved for some other business.

Parliament had come into existence in 1950. In about the same year, Parliament's attemps to remove certain disqualifications were apparent. So far as Parliament Members are concerned, an attempt to remove their disqualifications was embodied in a certain Act. I would like to solicit the consideration of this House to the strong speech made by certain Congress Members who took very keen interest in the debate at that time. To one thing I will refer. It is the speech of Shri T. T. Krishnamachari. Dr. Ambedkar, either in the midnight or mid-day, conceived a doubt whether certain Members would be disqualified for holding certain posts. Obviously, his doubt should have originated from his own difficulties of a certain time before, as the hon. Member on the Government side expressed when Dr. Ambedkar wrote whether he could be a Member of the House holding some office of profit in some other section. Of course, the Congress itself sponsored the legislation and had the disqualification removed. So, he was overcareful in the matter. That overcarefulness has now ended in overnegligence. Mr. T. T. Krishnamchari opposed that Bill, not on the ground that that Bill should not be passed, but on a question of very good principle. He said that very eminent Members like Dr. Kunzru, Mr. Sidhva and others were all in favour of it. He then said that a small Committee might be appointed and that evidence of important Members might be taken and then a list prepared of the offices which were considered as offices of profit and a common law might be passed. On that principle, he made up his argument, and he emphatically pleaded that the Bill should not be passed.

Now, I ask this Government whether they had forgotten that in all these four years, Parliament is not a forum where emissaries and representatives of Opposition Groups in this country come and express their views; here we come as representatives of the nation; the individual is suppressed. When we make a legislation, we are making it for the entire country and we also make an exception for a person if really that person deserves some concessions at our hands. But here in this case every clause that has been sponsored by this Bill must proceed on a common cause—whether it goes to benefit one man or the entire nation altogether. Now, during these last four years, no attempt has been made, except that some slip-shod and piecemeal attempts were made to remove certain disqualifications. One legislation removed the disqualification of about eight offices. Another disqualification which arose is this instance. Why did not the Government during all these four years, make any attempt to formulate a list of all the offices of profit throughout the entire country and then publish it in the form of a regular legislation, so that all persons who hold these offices are exempted? They have not done that. That is why I am inclined to say that an irrational approach in this legislation by the Government has rendered the situation most calumnious. Because if that list had been prepared, it would have been in the interest of the nation and it would have been of a common cause. There would be brevity and a sensible and point-blank approach for a good legislation. But that has not been done. I say that the Government cannot be absolved of that sin.

[Shri Vallatharas]

The second point is, even when this instance came, it is not the legitimate duty of any judicial mind to forget the principle and sponsor this legislation as an independent Act. If you turn to the pages of legal literature, you will find that even delegation of power —retrospective or prospective law— must be taken into consideration on a certain principle. Because we are given a certain occasion to speak, we cannot speak independently of our environments and of our traditional past. We pass this only as a guidance for the present and the future. Whatever our grandfathers do, we reap. What you do, your descendants will reap. This is, after all, the material theory in Marx's theory of thesis, anti-thesis and synthesis. If you have a cool mind in this, religiously and also politically, and see what your forefathers and what your predecessors had done for this country, you are now enjoying or repenting. What you are going to do now, will be a matter for the future. So four years before when a thing had come, that should have been seen in the light of the existing traditional past which governed the growth of legislature in this country and also the legal basis on which parliamentary work had to be done.

I will give you a short extract of the terms of interpretation that we should have. You may take it for a specific admission of mine that I do not oppose the removal of disqualification. Parliament has got power subject to one limitation. This Parliament cannot assert itself or arrogate to itself any position over that of another Parliament of which the personnel is the same and the forum is the same. Parliament in general occupies a dual status. It is an anarchronism of this country's legislature that we people should appear in the form of *ardhanarishwara*—with the right part as a man and the left part as a woman. It is such a thing that we are now having. In one position, we dominate as the superior legislature; in another as an inferior legislature deriving powers from the other. This is the dual status that we have. End it soon; you will be absolved of so many difficulties in the future; or else it is the breeding ground for many an ill over which our House will be subjected to much dispute and much controversy. This is the season over which the seed has been sown by the Government itself. I say it would take a long root, but do not allow long lest the branches should spread so much as to overwhelm and envelop us all. This dual status, I will describe for convenience's sake, the Constitutional Parliament, that is the Parliament Extraordinary....

Mr. Deputy-Speaker: We are going into a general discussion......

Shri Vallatharas: I may submit for your information, Sir, that I have studied everything and I am within my limits. If you find that I repeat anything what others have said, then I stop.

Mr. Deputy-Speaker: This is confined only to retrospective effect being given to this legislation. So far as the retrospective aspect is concerned, he may say whether it ought to be done or ought not to be done. But going generally into the nature of this Parliament, as to what it should do and what it ought not to do is not in order.

Shri Vallatharas: My objection is on two points. I question the delegated authority for this Parliament. The other is an incidental reference. The delegated authority has not been talked about *in extenso*.

Mr. Deputy-Speaker: The hon. Member is willing and has not raised any objection that this disqualification may be removed for the future. Therefore, this Parliament has got the right. (*Interruption*). Then hon. Member is a lawyer.

Shri Vallatharas: That is my submission. To substantiate it, I will have to give my own argument.

Mr. Deputy-Speaker: The point is whether retrospective effect can be given. Otherwise this Parliament has got jurisdiction. So, whether retrospective effect can be given by an Act of Parliament is number one. Then about the removal of disqualification. Both these matters have been discussed at length.

Shri Vallatharas: My position is that this Parliament ordinary, as an authoritative body that derives its power from another superior Legislature, that is, the Parliament extraordinary, has exceeded its bounds in this legislation, particularly clause 3, to have retrospective effect. That is my position. Of course, you as a lawyer understand our difficulties. In the course of our arguments we drift high and low and far and wide and then come to the point. (*Interruptions*).

Shri S. V. Ramaswamy (Salem): The hon. Member is referring to Parliament extraordinary and Parliament ordinary. That is not so. There is only one Parliament.

Mr. Deputy-Speaker: Why let him explain it and take the time of the House?

Shri Vallatharas: I will accept my hon. friend's suggestion if any other name is to be given for convenience of understanding.

Shri B. S. Murthy (Eluru): His arguments are not bald, Sir.

Shri Vallatharas: I have got full-grown black hair to attract any person.

I request this House not to make any distinction upon these names. The best of my imagination has only made me think of these two names—extraordinary and ordinary. If you can suggest any other name, I will adopt it. There is no question about it. Now, this constitutional Parliament is what I term as 'extraordinary' having extraordinary powers, and then, the general Parliament which is having ordinary general powers. Now, by the Constitution the extraordinary Parliament has specified that certain powers will be exercised by it. There are the constitutional safeguards. The difference lies in the procedure—that votes should be recorded and the voting will be on a separate forum. Apart from that there is no difference. But this is the vital factor. Of course, Mr. Ramaswamy touched that point yesterday and I was happily listening to him. But somehow or other that argument drifted into some other point. But anyway I will have to say that this power to legislate is only a delegated authority from a superior House which is the Parliament extraordinary. Or else you have no power. That is the position. But for article 240, you cannot legislate in respect of the Vindhya Pradesh Legislature. That is the position.

There were a number of references, interpretations and also quotations on that matter. I would ask each and every one of you to apply your judicial mind, not the partisan mind, not the self-seeking mind, not the future-interested mind or the perverse mind, I want you to apply your mind free from all these prejudices. (*Interruption*). Yes; perverse is a strictly legal term. Even the judgment of a court can be described as perverse in the appeal petition or the revision petition. Article 240 says:

> "Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purpose of article 368......"

I wish you to carefully follow this. I could expect more impartial consideration of this matter from the Home Minister, but he happens to be entrenched in the Government. He is circumstanced as such and he is over-engrossed by the environments and could not have any time to think about it in a more independent manner and in an impartial and conducive spirit. .

Mr. Deputy-Speaker: This matter was also previously referred to.

Shri Vallatharas: Of course, with great respect to the time of the House and with your anxiety to see through the business of the House......

Mr. Deputy-Speaker: I am anxious that the business of the House should not be unnecessarily prolonged a great deal.

Shri Vallatharas: What is the definite interpretation?

I am not able to ascertain from any of these references made so far. That is my difficulty. If I am able to say this is the interpretation which must be placed on it and it has been expressed by anybody, I would not have touched on it; because it is a different matter whether we agree or not.

I put this proposition to you. If you incorporate in this Bill provisions which have the effect of amending the Constitution, whether it amends or attempts to amend the Constitution, will it not be considered as an amendment, whether it is tolerated, adopted or acted upon? That is a point I want to know. Here the first portion of article 240 says:

> "Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purpose of article 368 notwithstanding that it contains any provision which amends or has the effect of amending the Constitution."

But are they valid, are they enforceable? That is the point, I ask.

Here, rightly or wrongly, I presume that there are certain provisions in this Bill which really offend the Constitution and they must come in the form of amendments to the Constitution and not as ordinary legislation. Even though those provisions operate as amendments of the Constitution, they will not be considered as amendments for the purpose of article 368. I think that is the view. If that is the view, I will put the question for the sake of perspicuity. You may legislate in any way; it may be an amendment in reality, it may be an attempt to amend, but it is your discretion.

[Shri Vallatharas]

It will not be valid, it will not be law and it will not operate as an amendment under article 368. That is one point of view.

Another view is this, that these extraneous provisions are provided in the Bill; even though they cannot operate as amendments, yet we delegate you the power by which your suggestions will be considered as amendments to the Constitution. These two points may be appreciated by the Law Minister as well as the Home Minister in a judicial manner, because one is a Minister who had the benefit of his experience of sitting in judgment, hearing both sides or various sides, and passing decisions, and the other is a lawyer of great reputation and great experience. So, my position is, if that latter view prevails, you may have any provisions in the Bill and we will have to acquiesce in them. Which of the two views do you take? It is only this that makes me think too much over this matter. Now, it is a definite thing that when a charge is delegated by a superior power, you cannot exceed the limits of delegation. There is a limit up to which the delegation vests power in you.

Shri S. V. Ramaswamy: On a point of information......

Mr. Deputy-Speaker: Let him alone; the hon. Member need not interrupt him.

Shri S. V. Ramaswamy: I cannot understand what he is driving at.

Mr. Deputy-Speaker: Let him say what he wants to say. If the hon. Member does not understand him, he need not vote with him.

Shri Vallatharas: If this question had really been referred to the Supreme Court by the President, then we do not know what things would have happened. Here a lawyer or some authority expresses his view and that is considered to be good and it is acted upon. Who is to pass the decision? Are we the 500 Members sitting here to pass a judgment? Can anybody feel impatient over that matter if it is raised here? We know, as a matter of fact, that points which we feel are very strong are discredited by judges of the court and points which we feel very weak and which we do not at all want to put forward are acted upon by the judges *suo motu*. Nobody can assume that his view will be accepted or rejected. This is a case in which we are only concerned with the prestige of the House. I am not at variance with the underlying principle of the Bill. My point is this; the delegated authority given under article 240 of the Constitution should not have the effect of dwarfing the parent. That is, the parent authority which gives you the power, should not be dwarfed by you. Then, the authority which delegates power to you does not delegate it under any circumstances thinking that it should be rejected from existence so far as that aspect of it is concerned.

So, the interpretation over the delegation is highly important. I expected some sort of clarification on this point from the Attorney-General. He simply referred to this aspect but did not go into it in great detail. I do strongly protest against some of the views held in favour of this legislation on this point. Legitimately, I feel if the Government were not embarrassed by a party feeling in this matter, they would have proceeded on rational lines, which would have disarmed every Member of this House from opposing it. That is my view. Because, you have got a background in all this legislation. It does not come as a bolt from the blue. There is always a background and a motive behind all legislation. So, talking on that basis, a little thing that the Parliament Extraordinary or the Constitutional Parliament could have done at the time of passing the Constitution by providing in detail for the Part C States also, they handed it over to you simply because you have come in as the son to a father. Do you think of throwing away the traditions of the family, and all the traditions of environment? It is only commonsense and nothing else. So, when the power is delegated to you by the superior House, they had confidence in you that you will do this work in conformity with the intention and the spirit with which the delegation is made. Here the intention is very great. According to that intention, when the Constitutional Parliament legislated for A and B class States—I do not know for what reason they omitted C class States—it gave you the power to provide for a legislature there. I do not go beyond it, whether it is nominated or elected or any such thing. You were given the power to provide for a Legislature for the Part C States and you were not given the delegated power to challenge the principle of the entire Constitution which the Parliament extraordinary itself passed. If it is a question of principle that has been delegated to you, I can understand. It is a question of procedure, it is a question of doing—a *karmic* act—that is being given to you. It is not the power of that delegated authority to change the principle, to challenge the principle, to go against the delegating authority and to act in a derogatory fashion. That is the position. So, did it give them the power to revive dead beings? No; it gave them the power to think of facts, to think of circumstances which would be felt unnatural or even unmoral under circumstances.

Here two questions arise; one question is not dealt with at all by hon. Members. On the date when the 12 members became disqualified, the entire electorate of the Vindhya Pradesh, not only the Vindhya Pradesh but in the whole of this country of 35 crores, had a right to contest for those seats and get themselves elected. This aspect is very important. This is a right, a vested right that I have by the Constitution and you deprive me of that right. It is not the question of the removal of a person: it is not the question of the action of the Commissioner; it is not a question of confirmation by the President. I learn with regret that the President was termed a stamping authority. There is a way of putting things. Of course, the President has no other option than to sign. But in *mangala vazhakku,* even if a bad thing happens, you must describe it in a fashionable and cultural tone. I feel that there was lack of culture in the statement that he was a stamping authority, that he put the stamp to it......

Mr. Deputy-Speaker: Let us not talk of an individual's culture or the culture of any hon. Member. It is not right to say when a person says something which is in bad taste that he was wanting in culture.

Attributing want of culture to any Member, either on this side or the other, is not right.

Moreover, I find that the hon. Member is only repeating what has been said during the first stage of the discussion of the Bill. He must be aware that a repetition of the points made during that stage is not permissible during the clause-by-clause discussion.

Shri Vallatharas: Has anybody referred to this point?—not to my knowledge.

Mr. Deputy-Speaker: I have been here throughout and this point was actually made.

Shri Vallatharas: Now is there any delegated authority to deprive the electorate of this vested right? In a case in the Privy Council regarding the property and the rights of the chieftains of Oudh—I do not remember the citation. I am prepared to give it later—it was decided that though the contents of the document, the instrument, in that connection, warranted the interpretation with retrospective effect, the Privy Council refused to do so on this fundamental principle that some of the chiefs were dead, some have undergone so many changes; can anybody expect the Privy Council to go and undo those things which will affect the right of even deceased people. Here it is a question of legal death, though it is not a question of physical death. Can you reopen the question in such a manner as to affect the vested rights of the electorate. My humble submission is that under this clause we are not given powers to legislate over and above what is delegated to us; we are not given the right to act in a retrospective manner, overlooking the Constitution.

I will submit for your consideration one or two legal maxims. Prof. Puffendorf in his *Law of Nature and Nations* has stated:

> "The law itself may be disannulled by the author; but the right acquired by virtue of that law, which whilst in force, must still remain, for together with a law to be taken away with all its precedent effects would be a high piece of injustice."

This is a fundamental thing, which has to be taken into consideration in connection with this Bill.

Dr. Lushington, a great authority says:

> "No one denies the competency of a legislature to pass retrospective statutes, if they think fit, and many times they have done so. Philosophical writers have denied, it is true, any legislature ought to have such a power and it is undisputable that to exercise it under ordinary circumstances must work great injustice."

I can quote so many authorities. A famous saying of Edmund Burke, which everyone of you must have read, but of which I should remind them, is this:

> "Parliament is not a congress of ambassadors from different and hostile interests. It is a deliberating assembly of one nation with one interest, that of the

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> whole, where not local purposes, not local prejudices, ought to guide, but the general good resulting for the general nation as a whole."

10 A.M.

In this fundamental maxim the emphatic element is the general good and the exclusion of all local purposes and local prejudices. What is this Bill except that it is for a local purpose and born out of local prejudices. So, this measure comes in conflict with all the legal maxims.

Another quotation which I should give the House is this:

> "The sole purpose of the Parliament"—that is the House of Commons—"on nine occasions when it passed modern enactment under delegated powers was to enable minor adjustments of its own handiwork to be made for the purpose of fitting its principles into the fabric of existing legislation... We doubt however whether Parliament itself has fully realised how extensive the practice of delegation has become or the extent to which it has surrendered its own functions in the process, or how easily the practice might be abused."

The experience of more than hundred years in the House of Commons is embodied in the Select Committee's report that delegation of power may lead to abuses which must be prevented.

Again when an opposition voices its feelings based upon felt pulses, it cannot be easily disregarded. The Members of this House are not members of a mutual admiration society. The Opposition is not here to admire the Congress, nor is the Congress here to admire us. But we will have to speak conscientiously what we feel and there is no point in calling some of us as Communists or Communalists and styling Members on the other side as Nationalists. In this case we must rise above all these things. It may be that one single Opposition voice makes out a point. They have a right to be heard by all of you and to be judged.

In this case a point was raised which—I am speaking subject to the Chair's correction—was not answered, by anybody. That was that only the case of persons who have been in office has been considered right through and they were exempted, but not the case of people who have been removed and gone into extinction. I have not heard any answer to this proposition.

My submission is that this legislature is not a court. We are here to act with a human mind and in such a manner as to infuse confidence in the mind of the people. We should approach questions without any party bias. Where is the ground for this legislation to be supported on legal grounds? None. Instead of replying on the opinion of the Attorney-General, for whom I have the greatest respect and on whom it is not my idea to cast any reflection, it would have been better if Government had referred this matter to the highest judicial tribunal provided under the Constitution, that is the Supreme Court. It would have been decided by a Bench of Judges, before whom the parties could have appeared and also the Attorney-General. The decision of the Court, would have been accepted by all. But now we find that we are rushing to pass a general legislation. We have not taken a list of all offices of profit in the country. We confine it to Vindhya Pradesh, and that too to the case of twelve members. I have no grievance against these individuals. They need not be sent out. I am against that. They must be there at any cost. But the way to proceed about it is what I have suggested and not this Bill. This is a way in which a local interest is sought to be served by a piecemeal legislation.

Mr. Deputy-Speaker: He must close now.

Shri Nambiar (Mayuram): We want to hear him. Very good arguments are being advanced. He must be heard.

Mr. Deputy-Speaker: Let there be no discussion over that.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Who says that he should not be heard?

Mr. Deputy-Speaker: The hon. Member need not get encouragement from another hon. Member.

Shri Vallatharas: I never lose my equilibrium. Otherwise, I cannot be a lawyer. Even money cannot influence me when I am on my legs. But I am very happy that a lawyer occupies the Chair.

Shri B. S. Murthy: An eminent lawyer too.

Shri Vallatharas: So, we must concentrate on these points. As one jurist has said, equity, good conscience, fairness and impartiality are not the chief objects when the counsel sits to deliberate. Only considerations of party are relied on, and only that is regarded as good and fair. In this House, neither side realises the duties and functions of the Opposition. Sometimes, we are despised as people having not even a modicum of intelligence. That is a different thing altogether, but the Opposition must be heard. It cannot be treated lightly. The greatest weight should be given to its views, irrespective of differences of opinion. Supposing the Opposition had 40 per cent. strength in this House, would such things take place? Would this matter be treated so lightly or with such lack of seriousness? There will be a gravity of an intense type. But today the Opposition is only a small percentage. Despite that, I ask you: can it be treated lightly? My submission is that some of the feelings, some of the views of the Oposition on the question of the honour of this House have not been properly treated. That is my grievance.

Things should be done beyond suspicion. In Tamil, there is a saying, *Panamarattadiyil palai kudittalum kallai kuditta endra pazhi varum.* It means: even if you drink milk standing under a palm tree, you will get the bad name that you drink toddy. You may have been actuated by the best of motives, but you stand under the palm tree unfortunately. You must free yourself from public calumny. A judge interprets a matter not independently, but he takes the Constitution, he takes this legislation and the previous legislation, and considers the entire form. Then he goes into the intention of the delegator and finds out what powers he intended to delegate. Even though the words may not lend themselves easily to his interpretation, he will put his interpretation considering everything. If this legislation had gone to the Supreme Court, my submission is that this legislation would be considered improper. A judicial interpretation will not be an isolated interpretation. It would take into account the chief Constitution, the authority which delegated the powers and also the attendant circumstances. Under these circumstances, it is better that this Bill is withdrawn. You may pass this Bill thinking, "It is no use trying to convince the House. We have a majority. We will pass it."

Mr. Deputy-Speaker: The consideration stage is over. The House has accepted the principle.

Shri Vallatharas: Even the rejection of this clause means the rejection of the Bill. My submission is that it is only under the notion of your majority that you should pass this Bill. We on this side never become nervous about the overwhelming majority on the other side. We are alive to the situation. We only want that we should legislate in a proper manner. We are not legislating injustice. Our legislation must be acceptable to the popular will. They should accept it as an honest legislation.

In this case, there is a clear background in which this Bill is identified with party interest. Parliament can pass a general amendment to article 102 and give a list of all the disqualifications in respect of all the offices of profit. I am the chairman of an educational advisory council in my place. I have neither accepted nor rejected, because I know the nebulous position here. But there are many people whose services are required for the proper administration of the country. They should get such chances. Piecemeal legislation is never the criterion for a good legislation, because the drafting machinery has no fear of the public will; it has no fear of the public remarks and criticisms. It simply says, "Oh, you want a Bill for this purpose? All right. I will at once prepare it." And it prepares the Bill without reference to anything. Now, if this machinery is a living and continuing institution, it should have concentrated its attention from some four years ago and prepared a list for all-India. Why did it not do it? So, it is not a question of these twelve members. I am only saying that it is more desirable, more honourable, that instead of persistently and dogmatically sticking to a situation which you want to perpetrate by asserting your power, this power can only be established by a division and not by the concentrated consensus of opinion in this House—instead of doing that, let us revert to the other method of a constitutional amendment of article 102. When articles 242 and 102 were enacted, it was never the intention that this authority should be available retrospectively to serve some local interest, which interest is subjected to question in this House. Nobody can say that the background is unreal. It is real. If your intention is *bona fide*, why do you not do it in respect of all and why do you take only these 12 people in Vindhya Pradesh? So, let us go on under the strict terms of the Constitution. Otherwise, let this matter be referred to the Supreme Court, whose decision, whatever it may be, will be welcome.

[Shri Vallatharas]

Here, you have not reached finality. You will not reach finality. You have not got the capacity to do it. It is a matter of the honour of Parliament for the future. Simply because you have the majority, do not try to carry this Bill through. If that be your attitude—I am sorry, I should not say 'your attitude'—if that be the attitude of a section of this House, then, it is unfair. It will create a bad precedent. Let us not have an *ardhanarishwara*—some change here and there. Let there be a common consideration of a common national thing.

Mr. Deputy-Speaker: He is merely repeating his arguments.

Shri Vallatharas: I have come after thirty-five Members. It is a great ordeal for me to steer through all the criticism.

Shri C. D. Pande (Naini Tal Distt. *cum* Almora Distt.—South west *cum* Bareilly Distt.—North): It is a great ordeal for us too.

Shri Vallatharas: This matter must be considered in a fair light. Now, regarding my amendment, I welcome the prospective part. I do not agree about the retrospective part. I do not want a legislation to serve a local interest. Even supposing these twelve members have to stand for election, it may be that nobody may contest. In Andhradesa, some members resigned on a question of principle and when the nomination papers were filed, many people refrained from opposing them. Common people want common justice which is justice unadulterated and uncontaminated without importing passion and heat, just as some Members experience in respect of these matters.

I submit my amendment for the consideration of the House which, if accepted, would totally annul this piece of legislation.

Shri Nambiar: I was also trying my best all this time to speak on this, but I could not get an opportunity. This should not have any retrospective effect, nor should it give back those twelve people to the Legislature of Vindhya Pradesh.

My argument is this. I do not want to enter into a legal quibbling. I am not accustomed to that and I am not a lawyer.

Shri B. S. Murthy: Only underground!

Shri Nambiar: I can reflect the point of view of the ordinary man in the street, the commonsense point of view. Here are twelve persons in the Madhya Pradesh Legislative Assembly. —I am sorry, in the Vindhya Pradesh Legislative Assembly.

Shri B. S. Murthy: God save Madhya Pradesh!

Shri Nambiar: On a particular day the Speaker of that House announces that these twelve hon. members are no more members of the House by some disqualification. They accept it and gently go out of the House. From that time these men ceased to be members of the House. This is the position to start with. Whatever might have happened prior to this, let us not enter into any legal quibbling. But the whole country, and not only India but the whole world knows that these twelve members on a particular day ceased to be members of that House. Everybody knows it. One year has passed since. Now we come to this Parliament and say: no, these people who have ceased to be members, on and after that particular day, of the Vindhya Pradesh Legislative Assembly must be treated as members continuously, even prior to the date of the order. This is the position we are coming to. Let us see this. The President through his announcement says on 31st March 1953 that these people are no more members of that Assembly. Now we come back and say: no, from the 26th April 1952 we must treat these people as members of the Assembly. Whatever happened in the interval, we want that these twelve people are to be physically taken back from outside the House and put in their seats. This is what we want to do. This is how the common man looks at it. Are we justified in doing so?

Then the question arises: it is only by a technical error that these people were disqualified, are we to follow the technical error? I will submit to you that a question of technical error arises not only with respect to these twelve people. Technical errors were there in hundreds of cases and I can pose before the House a particular question. Suppose a candidate files his nomination and files it with *bona fide* intention. And in the election he succeeds. Suppose the nomination of another rival candidate, by a mistake of the Election officer or the Election Commission or a particular person in charge of the election, is invalidated and the election is set aside after the election is over. Can it be said by any stretch of imagination that the first person who had a *bona fide* intention and was elected was responsible? You speak of morality. Morally speaking, the first person who has been elected is not responsible for the disqualification of another person, which was due to the error of an election officer. If morality is there, all frivolous rejection of nominations should be on a par with this and these twelve people should not be distinguished from the rest. That is my submission. They do not apply their mind, they say it is a trivial reason or a technical reason. That must apply to all concerned and not only to these twelve people. What is the speciality for these twelve people?

I may be permitted to say that behind this there is a motive. The motive is that these Congressmen, on account of their factional troubles and quarrels in Vindhya Pradesh, wanted to give some crumbs to certain individuals. They wanted to get the help of certain members for the Government or the party in power and so they started a unique procedure of District Advisory Council which is not to be found in any other part of India.

Shri Altekar (North Satara): It is there in so many provinces.

Shri Nambiar: For this reason they thought that might give them some sort of job. They cannot give them Collectors' jobs. The Collectors are already there, and the I.C.S. men will protest. So they made them members of the District Advisory Councils, they wanted to make them equal to a Police Superintendent or Collector. make a show, and give them a share in the administration so that they can get their permits, put through their men and get them promotions. All this will go on in the District Advisory Councils. So these people think that by doing so they can solve the problem of the internal factional quarrels of the Congress Party which is the ruling party* * * *.

So the motive behind this action was to bring certain members of the Congress Party and to associate them with certain administrative machinery there so that their quarrels can be ended. This was the idea. But unfortunately they sowed the wind and are reaping the whirlwind. They made a mess of it. The mess is that the Election Commissioner and the President of India have said: this is absurd, you cannot do this. And they got disqualified. So the whirlwind is on them and the factional quarrel has increased all the more. They want to solve it.

If there was an illegality committed, here is the Supreme Court. Let these twelve people go before it and say "the decision of the Election Commission and the President is *ultra vires*, therefore we must be given a chance to go back to the Assembly". They should have gone to the Supreme Court but they know that the Supreme Court will not accept that position. They have at least that much of legal brain in them to know that the Supreme Court will not accept it.

Therefore, they had to find a way out. The whirlwind has started; the Supreme Court's assistance can also not be invoked. So they thought of this idea of coming before this Parliament where they command a majority, where they can take disciplinary action against such of their Members who differ from them—about which we learn from today's papers. They have a steam-roller business here and they thought they can get those members back to the Assembly and thus solve their factional quarrels. But another faction is starting. They want to correct a wrong by an illegal Act. Thereby more wrongs will occur, they will be repeated, it is a vicious circle. They must study it. Not only the people of India but the whole world are laughing at them. But they cannot understand. A person who sees nothing but power and the shares and spoils of office cannot understand commonsense. That is why they call the Attorney-General, everybody, and eminent lawyers—I will not say eminent within quotation. And they argued. But a common man like me who is not a lawyer cannot understand their argument at all. The difficulty is that those who are in power and who do not understand the commonsense point of view will resort to legal quibblings and quotations. The quotation goes to Ceylon. We are in India, and what is Ceylon when compared to India? And we are having a so-called Republic and a Constitution. And we are quoting what happened two hundred years back in Ceylon * * * *.

Dr. Suresh Chandra (Aurangabad): On a point of order, Sir. The hon. Member said "the so-called Constitution". When he has taken allegiance to the Constitution, how can he say like that?

Shri Nambiar: You are not going according to the Constitution. I want to stand by the Constitution. You say

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* *Expunged as ordered by the Chair.

[Shri Nambiar]

that you will put it in cold storage because it suits you. You want the Constitution to be interpreted in such a way that it must suit your party politics and it should not suit the general necessity of the common man in this country. There you and I differ. That is the difference. Here my contention is that from a common man's point of view this present legislation is absurd, absurd morally and in content. You can put it in any constitutional phraseology but this is what the common man thinks. Otherwise what is the necessity for us to oppose this measure. Is it only for the purpose of opposition? No. When Government brings forth certain legislations which are in the interests of the people, we have not hesitated to support them. There are occasions—you can see this from the proceedings of the House—when we have supported you when you were sane. But when you are not sane—I do not mean, you Sir, I mean the Government—when a thing goes wrong we, of course oppose you. We do not oppose for opposition sake. At the introduction stage of this Bill, we opposed it. Yesterday, twice you had divisions. We have no malice against these 12 gentlemen. I only pray God that these 12 men may come back after the elections. I will even support them. I am of opinion that these 12 men must have the benefit of coming back to the Assembly because these 12 men have been cheated by the Government. I want them to come back. I will go, if necessary, to Vindhya Pradesh and canvass for them if there is any election but unfortunately there is no election, unfortunately that right of election is being denied by you, by the Government of which Dr. Katju is the supreme authority here. I appeal to him to use his legal brains and his old age for the cause of democracy and not to stifle democracy. He may be here for long or he may not be here and I also may be here or may not, but one thing will remain in this House and that is this legislation which is anti-democratic in character. This will be a very bad reputation for this House. I would submit to Dr. Katju to use his old age, his knowledge and his legal brain as far as this Bill is concerned. Let him take the sense of the common man and act in time. I support this amendment with the object that giving effect to retrospective legislation might end.

Mr. Depnty-Speaker: We have had enough discussion. I will call the hon. Minister now.

Shri Frank Anthony (Nominated—Anglo-Indians): I had made two specific constitutional issues and I regret to say in his reply the hon. Home Minister has sidetracked both these issues. That is why I am going to underline these. You give me four minutes. If the hon. Minister satisfies me on these two constitutional issues, I will be the first person to support the Government.

Mr. Deputy-Speaker: They have been raised.

Shri Frank Anthony: They have been categorically shirked by the Home Minister.

Mr. Deputy-Speaker: If they have been raised and not answered the House will take notice of it.

Shri Frank Anthony: There is another point of view. You give me three minutes. I would request the hon. Minister to tell me under which section of the Part C States Act, the President had exercised his authority to disqualify these members; There is no authority given in this Act to the President to disqualify these members.

The Minister of Law and Minority Affairs (Shri Biswas): It is not in the Act. Let me state the fact for your information. An Order was promulgated by the President in exercise of the powers conferred upon him by section 43 of the Act. That order provides categorically that if any question arises as to whether......

Mr. Deputy-Speaker: Difficulty arises.......

Shri Biswas:......a member of the Legislative Assembly of a State has become disqualified for being such a member, under the provisions of section 17 of the Government of Part C States Act, 1951, the question shall be referred for the decision of the President and his decision shall be final. Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion. These two clauses are exactly in similar terms as you find in the Constitution—article 103, clauses (1) and (2) in respect of Part A and Part B States and in respect of Members of Parliament.

Shri Frank Anthony: I am grateful for the clarification. There is another question which I want to ask the hon. Finance Minister. The hon. Home Minister dwelt at length with article 102. I am inclined to agree with him that this House cannot only prospectively but retrospectively do what it likes with those qualifications. In support of that not only the hon. Home Minister but also another hon. Member spoke who seemed to speak well but later on I considered his propositions to be untenable. He said they could remove them. They quoted the instances of Members of Parliament who had suffered disqualifications where they had brought an indemnifying Bill. I was rather surprised that while the hon. Home Minister dwelt at length on article 102, the disqualifications, the capacity of Parliament to add to these disqualifications and to remove them, I only regret that he did not deal, as he must do, with article 103 or in this case with the special rules.

I distinguish the case in this way that if these cases of Members of Parliament had been referred to an Election Tribunal, if the Election Tribunal had said that they incurred these disqualifications, if the matter had gone to the President and he had declared the seats of members vacant under article 103, as was done in this case, I say with all respect that this Parliament could not have intervened. We could not have passed an indemnifying clause. That is an important point. The President has acted. They have been disqualified.

Mr. Deputy-Speaker: This was argued at length saying that the President's Order is final and, therefore, Parliament has no jurisdiction. That has been answered.

Shri Frank Anthony: It has not been answered.

Mr. Deputy-Speaker: The hon. Member does not see the answer. What can I do?

Shri Frank Anthony: May I make a submission? It has not been answered. The hon. Home Minister did not answer it. He complimented the younger man but I submit that the proposition put forward by that younger man is a preposterous one. I want the hon. Minister to tell me what is meant by the word 'finality'. I say with all respect that this House is not a sovereign body. This is the cliche. We have to accept that this Parliament is not a sovereign body. It is the Constitution that is sovereign. We have seen that the Constituent Assembly has deliberately prescribed an abridgment of sovereignty. It has deliberately sought restrictions on the sovereignty of this House. This House, acting as a constitution-making body, not as a Parliament, may supersede this Constitution under certain specific conditions. We are not a sovereign body in the sense of the House of Commons. There, by a bare majority, it can say that it consists only of lunatics. We cannot say that. We could do it but we cannot say that. My friends say the word 'finality' *vis-a-vis* the courts....

Mr. Deputy-Speaker: The hon. Member is arguing.

Shri Frank Anthony: When in the Constitution we use the word 'final', I say it is final with regard to Parliament, with regard to every body formed under this Constitution.. You cannot supersede the complete and unqualified finality unless you bring in an amendment of article 103 of the Constitution, and get a two-thirds majority, and say that this shall not be final. It is only then, and then only that you can do it. That is the question that I want the hon. Home Minister to answer.

Shri V. P. Nayar (Chirayinkil): I want to point out certain special aspects regarding the retrospective nature of this measure.

Mr. Deputy-Speaker: I would allow the hon. Member to speak. He will please state his points for the purpose of eliciting answers, points one, two, three and so on.

Shri V. P. Nayar: I wish to refer to the inapplicability of certain citations given by the learned Attorney-General. This aspect has not been referred to in detail in this House. I will be very brief, especially as I heard you saying a few minutes ago, that we have had a long discussion on this aspect of the matter.

The Attorney-General referred, in the course of his arguments, to the Ceylon case reported in 32 *Appeal Cases* 260. I have not been able to get the particular volume of *Appeal Cases*. But, I have a report of the same case here Abayasekhara *Vs.* Jayahlake: *Times Law Reports* at page 71, report dated Friday, December 4, 1931. This is not a case which can be followed here for very obvious reasons, because you find that the ruling there was—I am reading from the ruling in that case:

> "Held that the Order-in-Council of 1928 was a valid exercise by the Sovereign of the legislative powers inherent in him by his title derived from the conquest and cession of Ceylon."

So, the Privy Council held that it was in virtue of the powers vested in the Sovereign of the United Kingdom by conquest or cession that this law became applicable. That is not

[Shri V. P. Nayar]

the case in India. Is it the contention of the Government that our legislative powers are derived by conquest or cession? I hope the hon. Home Minister will not go to this extent.

You also find that this case does not apply for another reason. It is stated in the course of the judgment of Lord Darling:

> "Certain interlocutory matters were decided in the action, but before the action came on for trial an Order-in-Council, the Ceylon (Legislative Council) Amendment Order-in-Council, 1928, was passed on November 1, 1928 and came into force on December, 14, 1928."

We find it was not actually a question of applying retrospective legislation as we are doing today. Action had started. And the law was passed *lis pendens*, as it were. That precedent cannot be invoked as a precedent for this House.

There is another aspect. You find that the learned Attorney-General quoted the case of Jenkins also. That also is not applicable here for obvious reasons. This Parliament and the British House of Commons are not on an identical footing. You know that there are some differences in the traits of parliamentary sovereignty in the United Kingdom and in this country and this has to be kept in view when we take into consideration whether the Jenkins case is applicable or not. The House knows that the British Parliament has powers to amend or alter any law. We do not have such powers. We are on a different footing altogether. As you know, the Constitution here limits our jurisdiction in the matter of legislation. In the case of the British House of Commons, there is no limitation prescribed.

Here, we transgress that limit—the limits of legislative jurisdiction. The position is not the same as in the case of the British House of Commons. In this case, you cannot rely on a precedent in the British House of Commons which has unlimited powers to change any law or amend any law. We are not competent to do so. The Attorney-General's reliance upon that case of Mr. Jenkins is not therefore correct. I submit that the Attorney-General was defending a measure which I would call a hideous outrage on democracy.

I heard some hon. Members lamenting that this Government was violating the principles of democracy. I wonder whether they were absolutely correct, because I do not think it is precisely a question of violating any principles. They, the Government do not have any principles whatsoever, let alone principles of democracy.

I have only one word more to say. The hon. Minister must bear in mind that for those who are power drunk, where law ends, tyranny begins and so here we have this Bill.

The Minister of Home Affairs and States (Dr. Katju): I do not know whether I can with profit or advantage contribute anything to the debate at this stage. I read long ago in Boswell's *Life of Johnson* a very famous remark in the course of a conversation. This remark can be appropriately used by every Member of the House, by me, by hon. Members opposite. When he was told by some one, "I do not understand you, Sir", the answer came in a flash, "I am bound to give you the reason. Sir, I am not bound to give you understanding". Of course, hon. Members can retort that I am unable to understand what they say. I can say that I find myself in that difficulty, that I do not know how their mind is working.

My hon. friend who started this debate this morning delivered a very long speech. If he had delivered it in a court of law, I am certain that he would have been pulled up within five minutes and the Judge would have said, please make yourself clear or sit down. As they say, you should know three things in a court of law as to when you should do them: shut up, speak up and sit down or something like that. Then, he talked about many things like a babbling brook. He talked about delegation of powers, delegated legislation, reference to the Supreme Court, etc.

My hon. friend Mr. Anthony in a very childlike manner said, "there are just two questions which I wanted to be cleared up and if I am satisfied, I would go into the *Ayes* Lobby and vote with the hon. Minister". I was delighted. But, I do not know how to satisfy him. That is my difficulty.

The whole proposition is this. So far as Part C States are concerned, they are governed by the Act of Parliament. If we start with this proposition, rightly or wrongly, by mistake—I am not concerned with that—Legislatures in Part C States have been created by an Act of Parliament. Parliament can destroy them, can put an end to them, can do anything in regard to them. It is not a question of supremacy of Parliament in general. We are thinking in terms of supremacy of Parliament in regard to part C States that supremacy having been conferred upon Parliament by this Constitution. The Constitution most clearly and most meticulously says this. In regard to Parliament, you have got these provisions, articles 101, 102 and 103, etc. They only concern the Members of Parliament. Then, we come to another Chapter, which deals with members of legislatures of Part A States. Then, you have another Chapter dealing with Part B States, where there is a provision that all that is applicable to Part A States will apply to Part B States with certain modifications. So far as Part C States are concerned, the law is quite clear that Parliament may come in and make law about that. Nothing applicable in terms to Part A States or Part B States or Members of Parliament is applicable to Part C States. If that proposition is granted, then as the Attorney-General advised us and stated before this House as his legal opinion—you may attach whatever weight you may like to it; you will not attach any weight to me, though I suppose I was a lawyer at one time, but we are all bound to attach weight to the opinion of the Attorney-General. He said the proposition was quite clear. These are Part C States, and Parliament has got the authority, the constitutional authority. He made it quite clear. He said:

> "I am not concerned with the propriety of the action, the policy of the action. That is a different matter. That is a political question. But, in so far as the legality of the action is concerned, there cannot be any manner of doubt."

The second thing that I want to say once again here is this—because all sorts of things were said against those 12 members and democracy and party politics and the desire of the Congress who were power-drunk to send those 12 members there—that this thing was done in perfect good faith in April 1952; it was a sort of general rule, it made no difference. The entire members of the provincial Legislature were tried to be associated with the district administration in a purely advisory capacity so that they might tell the district authorities what should be done, and what should not be done. The rules provide that you are not to interfere with the daily administration, with the transfer of officers—what they should do or what they should not do; you should only consider questions relating to the public welfare of the district as a whole apart from all personal questions of any kind of difficulty. That was done.

The whole question at once arose: was that an office, and if so, was it an office of profit? These were the questions which at once came up, and the House would know—I made it clear in the beginning, but it is worth repeating—that the poor Vindhya Pradesh Government, before they did this, before they constituted these Advisory Councils and thought of associating the members, took legal opinion, and they were advised by competent people that it would not be an office of profit at all, and therefore no question of disqualification would arise.

Having done that, they *en masse* associated all the members. These members came along. They became members at the time willy nilly because Government said so. The question arose in October 1952 when the matter was again raised in an informal manner by one of the members in the Vindhya Pradesh Assembly.

I should like to make a correction here. I find it has been reported in the newspapers that we were advised when this question arose that this was an office of profit. That is not correct. I did not say so yesterday. I said what we were advised was exactly the contrary. When this representation of one of the members of the Vindhya Pradesh Assembly came, we were advised here that it was not an office of profit at all, and instead of giving our decision, we thought we had better follow the procedure laid down in regard to members of Legislatures in Parts A and B States and refer it to the Election Commission. The whole matter goes before the Election Commission, and the Election Commission gives a certain decision, and we are quite clear in our mind, on legal advice given to us, that the law has not been properly understood, or whatever it may be, or something should be done to rectify the error.

My hon. friend said Parliament has delegated powers. I do not understand it. I am therefore unable to answer this particular proposition.

[Dr. Katju]

Then the second question was: refer it to the Supreme Court. I say that it would be highly undesirable to refer any matter regarding the supremacy of Parliament or competence of Parliament to enact a certain legislation to the Supreme Court. because the Supreme Court has got its own functions to discharge. Undoubtedly. there is an article which says that the President may refer any particular point for the consideration of the Supreme Court, but when we have got a Bill before us, Parliament must take the responsibility. And please remember that in the vast majority of cases—I quite agree we are laymen—we will not say so, but if we think that the law has not been properly interpreted by the Supreme Court, we may amend the law.

Shri Frank Anthony: Amend the Constitution?

Dr. Katju: Take the Transfer of Property Act.

Shri Frank Anthony: In this case you will have to amend the Constitution.

Dr. Katju: We will come to it later.

There is nothing in the Constitution which says that Parliament cannot pass any legislation. There is the Union List. The Union List gives certain items. Parliament is entitled to make laws in regard to those items. Supposing one of those laws is the Indian Penal Code, and the particular question comes before the Supreme Court, and the Supreme Court takes a particular view of it. and interprets the section in a particular manner, it is open to the House—it will not say so, it will not start off saying the Supreme Court is wrong or right—to say that the law is this. I can quote lots of instances. My hon. friends who are lawyers know it that in the past laws have been enacted which say that the law shall be understood to be this, that the law shall always be understood to be this right from the beginning. Therefore I say as a matter of principle we must take the responsibility upon ourselves. We are not going to hold up legislation because there is that article under which the opinion of the Supreme Court can be taken. The Supreme Court functions in its own way. It has got to issue notices to all the States. It may take one year. The law may be of great urgency here. Do you mean to say we are going to hold up the law till the Supreme Court gives its answer?

Then comes the question that this should not be retrospective. That is the very object of the legislation. That is what we have been discussing for the last two days. The retrospectiveness is this. Please remember again that if that was an office of profit, then the very day that the notification was issued by the Vindhya Pradesh Government, *viz.*, April 1952, these 12 members became disqualified, completely disqualified. You may bring a suit against them for the recovery of Rs. 500 for each day they attended or they may not have attended, but they made themselves liable. It is not a question of conferring any particular benefit upon them. If you ask me not to make it retrospective. you may as well ask me not to make this legislation. The gist of the law is that it should be made retrospective and I cited yesterday a precedent. It was not enacted by this House This House came into existence in 1952 I quite realize it. But in 1951, Act LXVIII of 1951 was passed which named certain commissions which were offices of profit. In some Commissions, I think, there were Members of the Opposition parties. I am told that in one particular Commission, the lady Member who is now acting as the Leader of the Praja-Socialist Party, was also there.

Dr. Lanka Sundaram (Visakhapatnam): She is not acting. She is the Leader.

Dr. Katju: But it was removed. The disqualification was removed. The only question is whether it is a technical thing, whether it is a just thing or not. And the precedents are so many.

Shrimati Sucheta Kripalani (New Delhi): My seat had not been declared vacant.

Dr. Katju: This is one of the grossest mistakes that the hon. lady Member is suffering from. Article 104 does not say that there should be a declaration by the Election Commission. If you read it, article 102 says that the moment you accept an office of profit, you are disqualified, you are finished as a Member of Parliament. And the Lady Member did not then rise and say: "I do not want to interfere with the sacred right of my electorate to elect a new Member. I have become disqualified. I am finished now. Therefore, I would rather like......"

Shrimati Sucheta Kripalani: You were free to raise it. There were 50 others who were Members of the same Commission who belonged to the Congress Party. I would welcome you to raise that issue again. Again and again my name is being brought into the picture which I consider rather vulgar. There are plenty of others, 60 or 70 Members of the Congress Party who belonged to that or other Committees, and this matter has come up again and again. I do not like the personal manner in which this is done because I happen to sit in the Opposition. At that time when I was in that Committee, I was in the Congress.

Dr. Katju: I have not the slightest intention to make any personal observation of any kind. The hon. lady Member knows in what respect I hold her. But the question in an impersonal one. My hon. friend, Mr. Anthony, put to me a question in an oratorical manner: 'Are you going to do this if there is any Member of the Opposition?' I say: 'Yes, any time'. If there is any Member of the Opposition who suffers from this particular law in a *bona fide* manner, in a technical manner, we will bring in a Bill. But I only intended to give an illustration. That is all. I was not saying that we conferred any great personal benefit upon the hon. lady.

Sardar A. S. Saigal (Bilaspur): Even there, of the 12 members one is a Socialist.

Shrimati Sucheta Kripalani: I said so

An Hon. Member: There is already one Socialist.

Dr. Katju: The point is that the retrospective removal of the disqualification is from the day that they became members. Nobody will say that the disqualification only arises from the date that it is declared by the Election Commission. The disqualification arises from the past and the Election Commission only says that members have become disqualified from the date that they accepted the office of profit.

I do not want to repeat myself over and over again. I humbly submit that we have discussed all these matters yesterday at great length and the House has declared its opinion that this thing should stand.

Mr. Deputy-Speaker: The question is:

In page 1, for clause 3, substitute:

"3. *Prevention of disqualification for membership of the Legislative Assembly of Vindhya Pradesh.*—It is hereby declared that the offices of the members of any district Advisory Council are not offices of profit under article 102 of the Constitution, from the date of this Act coming into force".

The motion was negatived.

11 A.M.

Mr. Deputy-Speaker: The question is:

In page 1, line 14, omit "and shall be deemed never to have disqualified".

Those hon. Members who are in favour will kindly say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will kindly say 'No'.

Several Hon. Members: 'No'.

Mr. Deputy-Speaker: The 'Noes' have it. The 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Deputy-Speaker: All hon. Members who are in favour will kindly rise in their seats. I will go on counting bench after bench.

Shri K. K. Basu (Diamond Harbour): This is a double effort—mental and......

Mr. Deputy-Speaker: Those in favour are 67.

Dr. Lanka Sundaram: I hope you have not counted me twice.

Shri Gadgil (Poona Central) Does not matter.

Sardar A. S. Saigal: Count even four times.

Mr. Deputy-Speaker: Those hon. Members who are against the amendment will kindly rise in their seats. An overwhelming majority is against. So the amendment is lost.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill.

Clause 4.—(*Indemnity etc.*)

Shri Nambiar: I beg to move:

In page 1, lines 24 to 28, omit

> "and they shall be, and are hereby, freed and discharged and indemnified from all penal consequences incurred by them by sitting or voting as members of the said Assembly while holding offices of members of any District Advisory Council at any time before the passing of this Act".

I move this amendment for this reason, that these people should not be protected from any penalty that may arise out of their seats being declared vacant and their subsequently going and sitting in the House.

Mr. Deputy-Speaker: Are there any cases where they did so? Is the hon. Member aware of any case where they went and sat there?

Shri Nambiar: That we are not sure. That is why, to be on the safe side, we want it.

Mr. Deputy-Speaker: I will ascertain from the hon. Minister. The point is that the hon. Member does not want that this indemnity clause should apply to persons who after their seats having been declared vacant still persisted. That is, before the Act is passed, whether in the interregnum those members who lost their seats have continued to sit in the Assembly......

Dr. Katju: I did not understand the question.

Mr. Deputy-Speaker: The question is whether after they incurred disqualification, any of those members have sat in the Assembly, in which case the hon. Member does not want the indemnity clause to apply.

Dr. Katju: Why, that is the essence of the matter.

Shri Biswas: They have not sat in the Assembly since the date of the promulgation of the President's Order, but they probably sat a few days before that.

Shri Nambiar: When once a penal offence is committed, they must undergo the punishment. Even after ten years or fifteen years, no Act of the Legislature or Parliament can protect them. They have committed an offence and by the rule or law prevailing at that particular date, it was an offence. They committed that offence knowing that it was an offence. They have committed serious crime against the Constitution and against the country and they must undergo the punishment. I can understand that on a particular day, a particular gentleman might have committed a murder......

Mr. Deputy-Speaker: Let us not go into murder.

Shri Nambiar:......a penal offence, whether it is a murder or beating or rioting—we are not worried about it. The point is, supposing he commits a murder and he is to hang for that or be transported for life, can you by an Act of Parliament say that he should be deemed not to have committed that murder?

Shri B. S. Murthy: This is a murder of the Constitution.

Shri Nambiar: Therefore, this is all the more wrong. I will quote the authority. Article 103 states as follows:

> "If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final."

So, this article 103 makes it very clear that if there is a disqualification, the matter must be referred to the President and the President's verdict is final. On this matter, the President has issued his final verdict, namely that they have incurred the disqualification and that must be considered as final. There cannot be any reason why we want to protect them from the consequences of this penal offence. This is unheard of. This cannot be understood. How can this Parliament go into the question of the commission of certain penal offences? I feel you cannot waste the time of the House on a matter of protecting half a dozen or a dozen people who have committed penal offences. Otherwise, we will do no work other than picking up holes and seeing who all have committed offences and who are to be protected, whether he is a Congressman, whether he is a Communist or whether he is a Socialist. If he is a Congressman protect him, if he is a Communist, hang him. This is the work that Parliament can do. The forum of Parliament should not be resorted to protect party members. This cannot be understood. This is a sort of penal offence. For every day of his sitting he has to pay a fine of Rs. 500. You want to save these people from that offence. (*Interruption*). This portion of the clause must be deleted, so that they may come under the provision of the penal clause. This is my point. Nobody can undo a mistake, an offence that has been committed. If we set up such precedents, then there will be no end to it. Parliament is an august body representing the whole of the country (*Interruption*) and it should not go to the extent of protecting a dozen people. This looks ridiculous. Let them pay the fine; let them enjoy in future. We have no objection. So, the hon. Minister should not go to this length; it is most ridiculous. We are tired of this sort of legislation.

Shri Bhagwat Jha (Purnea *cum* Santal Parganas): We are also tired of such speeches and such repetition.

Mr. Deputy-Speaker: Having received five rupees they must pay five hundred rupees?

Shri Nambiar: Have no party bias. So he must certainly accept this amendment at least. I know he will not accept this

Dr. Katju: So far as I know after the promulgation of the President's Order in pursuance of the decision or the advice of the Election Commission, namely, as from the 2nd April, 1953, these 12 members have not attended the Assembly. But, before that it was a matter of doubt and controversy and they were taking part in the Assembly. But, I am advised that in cases of this description, it is a matter of drafting and all these enactments almost invariably insert such a provision. We have followed the precedents of the House of Commons, the cases that were referred to by the Attorney-General and the Act which was passed in this House in 1951. It is harmless provision. I do not want that there should be any controversy in regard to this matter. May I just read here Arthur Jenkins' case, which was referred to by the Attorney-General. The Act went by name.

"Be it enacted as follows:

Arthur Jenkins shall be and is hereby freed, discharged and indemnified from all penal consequences whatsoever incurred by him by sitting or voting as a Member of the Commons House of Parliament while holding the office of Chairman of the Local Appeal Board of the Royal Ordnance Factory and shall be deemed not to have been or to be incapable of sitting or voting as a Member of that House by reason only of his having held that office at any time before the passing of this Act."

It is really a harmless measure and the language followed is a matter of consequence, the drafting language.

Mr. Deputy-Speaker: The question is:

In page 1, lines 24 to 28, omit:

"and they shall be, and are hereby, freed and discharged and indemnified from all penal consequences incurred by them by sitting or voting as members of the said Assembly while holding offices of members of any District Advisory Council at any time before the passing of this Act".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

The Schedule was added to the Bill.

Clause 1.— (*Short title etc.*).

Shri Nambiar: Sir, I have an amendment to clause 1.

Mr. Deputy-Speaker: It is barred in view of the decision which the House has just now taken.

The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Shri Raghavachari (Penukonda): I do not want to touch upon or refer back to the arguments already advanced against the validity of this Bill. I would be pointing out to one circumstance which is made perfectly clear by the Home Minister and it is this. At that stage when this dispute was

[Shri Raghavachari]

raised by a member of the Vindhya Pradesh Assembly, the Government was advised by their legal advisers that the particular office which was in dispute was not an office of profit. Therefore, they allowed the whole thing to continue and they wanted the Election Commissioner to decide that matter. They did not want to decide it themselves. Therefore, they decided to advise the President to amend the Government of Part C States Act. The Election Commissioner was asked to give an opinion and he gave the opinion which was to be accepted under the provisions of the Constitution and it turned out to be contrary to the advice which the Government had received before. Government was advised by their legal advisers that a particular thing is the correct position under the law. The constituted authority whose verdict is final comes to a different decision. Therefore, there is a conflict between the advice which the Government had got and the decision of the constituted machinery. Because the verdict is inconsistent with the advice they got, and because they have got power and the majority, they want to set it aside.

If this is the basis on which this Bill is brought, I would very humbly submit that this Parliament should not be expected to be a party to a piece of legislation which is calculated to set at naught the solemn decisions of an authority constituted under the Constitution, simply because it is not in conformity with the advice which the Government might have got. This would be a very dangerous precedent. This Bill is mainly based upon the feeling that the constituted authority's verdict is incorrect and not in conformity with the advice the Government got; therefore, they do not want to accept that decision. In other words, it simply comes to this: whatever is our opinion the country must accept; the court must act according to that decision or that opinion. This is a very dangerous precedent. Therefore, I oppose it.

Dr. Katju: The objection raised by my hon. friend has really no substance and—if I may say so—no merit. Very often when any decision is taken by a court—and in the olden days by the court which was then considered to be supreme, namely the Privy Council—Government takes legal opinion as to whether that judgement carried out the intention of Parliament or not. It is not done every day. We are all most anxious.......

Shri Raghavachari: You did not put it in that light at all.

Dr. Katju: We do not do it every day. We accept the decision of the judiciary on ordinary matters. But it may be a question of very great importance, general importance; it may be a question of substance. If that is so, then a contrary Bill is promoted in order to nullify the decision.

But I am not proceeding on that basis at all. The learned Attorney-General said that there are numerous precedents where disqualification is incurred according to a constituted authority—may be Election Commission here, may be a Committee of the House of Commons there; then the question arises as to whether it is an office of profit. Supposing it is, then the question arises —has the man acted in good faith; does he deserve the disqualification. The bogey that the Election Commission having decided in a particular manner, having given a particular advice, this Parliament, democratic Parliament representing the voice of the people of the whole of India, is, so to say, impotent and cannot do anything to nullify the mischief, to rectify any error, or to do justice to the electorate is a proposition which I cannot subscribe to. I should tell hon. Members with all the weight or authority that I possess that we should not labour under an impression that we are creating a bad precedent or that we are in any way going against any of the provisions of the statute or the spirit of the statute, or the letter of the statute, or undermining the authority of any authority created by the Constitution.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

ESTATE DUTY BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

> "That the Bill to provide for the levy and collection of an estate duty, as reported by the Select Committee, be taken into consideration."

The Bill was referred to a thirty-five man committee in November last and during the course of the discussion on the motion to refer the Bill to a Select Committee a number of Members made certain suggestions for the consideration of the Committee. Two points in particular which were strongly urged by a number of Members were that the exemption limit—that is, clause 34—up to which no estate duty, would be payable and any other exemptions—which are contained in clause 32—should be specified in the Bill itself to allay any misapprehensions on that score.

In my reply to the debate, I said that Government would be receptive to any suggestion with regard to the reinsertion of the exemption limit or the provisions relating to the exemptions and reductions, to remove any suspicions. I am glad to say that both these matters, after having been carefully considered by the Select Committee in all aspects, have been provided for and the exemptions have been included in the Bill itself. I shall have occasion to refer to them later when dealing with the exemptions themselves.

The time and labour which the Select Committee have bestowed on this Bill is indicated by the fact that no less than twenty-one meetings of the Select Committee were held and improvements, modifications and amendments were made up to the very last meeting. The Committee considered the memoranda placed before them by certain bodies and also the evidence tendered by representatives of three important institutions, namely, the Institute of Chartered Accountants of India, the Punjab Chamber of Commerce and the Federation of Indian Chambers of Commerce and Industry. The Bill as it has emerged from the Select Committee is, therefore, in a considerably modified form. In a sense, in spite of the remarks that have been made in the minute of dissent by my hon. friends Messrs. V. P. Nayar and K. K. Basu it is a greatly improved Bill, in that Members have made a sincere attempt to reach the greatest common measure of agreement.

Instead of dealing with the important amendments made by the Select Committee to which I shall have to make reference from time to time, in view of the complexity of this measure, I propose to explain, in what may be called the layman's parlance, the scheme of imposition of this duty. The language of certain provisions of the Bill is said to be very complicated and, indeed, some go to the length of saying that it is incomprehensible. It may, therefore, assist the House in considering the Bill if I were to explain briefly its provisions.

First, we deal with the charging provisions and the scope of the Bill. Clauses 5, 6 and 7 are the charging provisions and clause 20 prescribes the scope of the charge. Estate duty is chargeable on the principal value of all property, whether settled or not, including agricultural land situated in the States specified in the Schedule, which passes or is deemed to pass on the death of a person. Immoveable property situated outside India, that is, excluding the State of Jammu and Kashmir, is not within the scope of the Bill in any case on the accepted international principle that succession to immoveable property follows the laws of the country in which the property is situated. All moveable and immoveable property in India is liable to charge, whether the deceased was domiciled or not domiciled in India.

[SHRI PATASKAR *in the Chair*.]

As regards moveable property outside India, it is chargeable if the deceased was domiciled in India or if he was a life tenant under a settlement, if the settlor was domiciled in India when the settlement took effect.

Estate duty, it is necessary to point out, is a mutation duty chargeable on the transfer of the estate of the deceased which takes place on his death. It looks to the whole estate and not to the persons on whom the estate devolves. It is, therefore, different from succession duty which is on the gratuitous acquisition of property by the successor on the death of the predecessor. This principle has already been accepted by the House. There is a reference to this matter in the second paragraph of the Report of the Select Committee, and, apart from any other reason such as administrative convenience, I think the reason given by the Select Committee is a very convincing one, that is to say, if irrespective of any other considerations we were now to revert to the scheme of a succession duty, then we shall be adding another entry to the Union List and shall have to begin all this process over again.

Property which passes on death is easily ascertainable, or should be easily ascertainable, but the law brings within the charge also property which is deemed to pass on death. If this fiction, a certain of law, were not there, practically no duty would be recovered, as all property would be arranged to pass just before death and not on death and the law could be defeated.

Clause 6 is very short and deceptively simple and says that property which the deceased was, at the time of his death, competent to dispose of, shall be deemed to pass on his death. The word "Property" is used in a very wide connotation and includes any interests, including any future interest in expectancy, in property, moveable or immoveable; proceeds of the sale

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thereof; or any investment of the sale proceeds. It includes a debt or other right created by a person enforceable against him or his property or the extinction of a debt or right for the benefit of another. A person is competent to dispose of a property if he has such general power as would, if he were *sui juris*, enable him to dispose of the property.

The expression "passing on death", that is, at a period ascertainable only with reference to the death is also defined in the Bill. It includes passing either immediately or contingently or after any interval, either certainly or contingently, and either originally or by what is called substitutive limitation, that is to say, in the place of another person, if that person did not exist. Interest in any property or annuity which ceases on the death of a person is also deemed to pass on his death to the extent to which the benefit accrues or arises by the cesser of such interest. This provision covers the case of a member of a coparcenary in which the essence is unity of ownership, and no member can predicate that he has any definite share or power of disposition over property. However, in view of high mortality amongst children in this country, the duty is made chargeable only if the deceased was 18 years of age or if his male ascendant was not a coparcener in the family in the case of such coparcenary interests. No duty is payable on the cesser of interest where the deceased had interest in it as the holder of an office or a trustee, because no benefit accrues or arises by reason only of the death of the holder of the office or trustee. The Select Committee has added an explanation to clause 7 to make it clear that the holder of a *sthanam* is neither the holder of an office nor a corporation sole, and therefore the duty is payable on the cesser of interest by his death. Against clause 7, the Select Committee has made a reference to this amendment which it has made, because this is a type of institution which is found in the South.

Then, I come to the provisions relating to gifts. The clauses that deal with this matter are clauses 8, 9 and 10. Gifts *mortis causa*, that is, death bed gifts, subject to the exemptions in clause 32, are brought within the charge, as they are conditional and take effect only on death. As the donor does not part with the whole interest till the time of his death, property taken as a gift is deemed to pass on the donor's death. To prevent avoidance of duty by means of gifts made during the life-time, a period of two years is fixed within which gifts made are brought within the scope of property passing on death. In the case of gifts to public charitable purposes, the time-limit is six months. In this matter, the Select Committee has tried to attain the golden mean. Views were expressed which wanted this period to be extended in both cases: in one case to five years and in the other case, that is to say, charitable institutions, to one year. The other view was that this period should be shortened or that there should be no period at all. Now, these different views went even to the length of saying that, as the Bill has been before the public for the last seven years, the time should be at least five years as in the United Kingdom. That is a matter referred to in one of the minutes of dissent. There were others, as I said, who held that there should be no time-limit for gifts to charitable purposes at least, and the limit should be one year for other gifts. If there is no time-limit for gifts for charitable purposes, such gifts would be postponed and would practically become death-bed gifts, and, in our view, would lead to great evasion because it would be difficult to expect evidence of a high standard to prove the authenticity of such gifts. As regards other gifts, I do consider that the *via media* of two years favoured by the Select Committee is reasonable in the light of all relevant considerations. Since a gift contemplates transfer and delivery of property, the period of two years during which the possession and enjoyment is retained by the donee to the entire exclusion of the donor would ensure that the gift was virtual and *bona fide*. Where the donor retains some interest in the property and such interest is not surrendered two years before death, estate duty is—it goes without saying—payable in respect thereof.

I next come to the provisions to prevent avoidance of duty. A few of the provisions designed to prevent avoidance of duty are the ones which are complained of as being difficult to follow. They are, no doubt, highly complicated and technical, but if the purport is explained, then they can become comprehensible. To this category belong clauses 11 to 26. If interest limited to cease on death is disposed of or determined in any manner within two years before death, then it becomes chargeable to duty. In the Select Committee, amendments were made to the relevant clause, clause 11, to make it clear that this clause was to have effect whether the interest was disposed of or determined by one transaction or by more than one associated operations. Property under a revocable settlement or property in which the deceased retains some interest for his own benefit or the benfit of his relatives is chargeable to duty; and so is joint investment if the deceased was the real owner of such investment. Subject to the exemptions specified in clause 32, moneys received under a life insurance policy kept up for the benefit of donee, whether nominee or assignee, are included in the property deemed to pass on the death. If the premiums were wholly paid by the deceased, then the whole amount is chargeable; and if the premiums were partly paid by the deceased, then the proportionate amount would be chargeable. The premiums payable out of any property settled by the deceased or out of income arising under a settlement made by him are treated as having been paid by him. Any annuity or other interest purchased or provided by the deceased is chargeable to the extent of the beneficial interest arising on his death. The object is to prevent a person from escaping estate duty by reducing his estate during his life-time by payment of premiums, etc., which reappear as beneficial interest accruing or arising on his death. Liability to duty is further extended to any interest or annuity which, though not directly provided by the deceased, is in substance attributable partly or wholly to any property derived from him.

Then we come to clause 17 which deals with transfers of property made by the deceased to a controlled company. In such a case it is not the value of shares held by the deceased which is deemed to pass, but such proportion of the assets of the controlled company as the benefits enjoyed by the deceased during the last three years ending with the death bear to the aggregate net income of the company for the period. Originally the definition of "controlled company" was left to be prescribed by the Board by rules, but the Select Committee amended this clause to include the definition of a "controlled company". A "Controlled company" is defined as a company which is under the control of not more than five persons and—it is a cumulative condition—which is not a subsidiary company or a company in which the public are not substantially interested. A company in which the public are substantially interested is defined on the same lines as in section 23A of the Income-tax Act, that is, shares carrying not less than 25 per cent. voting power have been unconditionally allotted to or acquired unconditionally by the public and the shares are freely transferable by the holders. In determining the number of persons controlling the company, persons who are relatives, as for instance husband, wife, ancestor, lineal descendant, brother or sister of one another, persons who are nominees of any other person together with that other person, persons in partnership, etc.—they are all respectively to be treated as a single person.

In the case of a settlement or disposition of property made by the deceased of which he himself was a trustee, the value of settled property would be excluded only if the possession and enjoyment of the property was assumed by the beneficiary at least five years before death. By substituting a period of five years for two years the Select Committee made the clause —this is clause 21—more stringent as in their view the creation of such trusts in favour of children, etc., would open a great loophole for evasion.

Then the Select Committee amended clause 26 also relating to dispositions to relatives. The effect of the amendment is that dispositions made in favour of relatives are to be treated as *prima facie* gifts and chargeable accordingly, unless it is shown that the disposition was made for full consideration or in partial consideration in which case the amount of partial consideration would be deducted from the value of the property. The creation of an annuity or other interest limited to cease on the death of the deceased would not be treated as consideration for this purpose, nor a consideration received through the medium of a controlled company. A disposition made in favour of a controlled company in consideration for an annuity limited to cease on death would be regarded as if the disposition was made in favour of a relative, unless it is shown that no relative of the deceased was a member of the company at any time during the life of the deceased.

Now we come to exceptions to property passing or deemed to pass on the death of a person. Property held by the deceased as a trustee under a disposition made by another person is not deemed to pass on his death. In the case of settled property where the interest of any person fails or determines before it becomes interest in possession, the property is not deemed to pass on his death. Property reverting to the disponer on the death of a person on whom a life interest was conferred, is not deemed to pass on the latter's death. Where the husband or wife is entitled solely or jointly to the income of a property settled by the other under a disposition which took effect before the commencement of the

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Act and on the death of one party, the survivor becomes entitled to the income but not the corpus, no estate duty is payable until the death of the survivor.

We next come to the reliefs and exemptions. If an estate duty has been paid in respect of any settled property since the date of the settlement on the death of one of the parties to a marriage, no estate duty is payable on the death of the other party unless the latter was, at the time of his death or during the continuance of settlement, competent to dispose of such property and if on his death, subsequent limitations under the settlement take effect, he was *sui juris* at the time of his death, or had been *sui juris* at any time while so competent to dispose of the property.

Provision has also been made empowering the Central Government to enter into double taxation avoidance agreements with other countries. Where there is no such agreement the whole or part of the duty paid in a foreign country will be deducted from the value of the foreign property. The Select Committee also inserted a provision for deducting from the estate duty payable the amount of fees paid for obtaining probate, letters of administration or succession certificates but not exceeding 1/6th of the estate duty.

Then there is relief for quick succession. Quick succession relief was extended by the Select Committee to property other than land and business and they also provided that no duty be payable on the second death occurring within three months of the first to cover such calamities as epidemics, etc..

On this subject, different opinions prevail as some are of the view that quick succession should not be extended to property other than land or business particularly to unproductive properties such as jewellery as has been said in the minute of dissent of Shri Nayar and Shri Basu. As regards the exemption on the second death occurring within three months, the objection is somewhat similar. There are others who want that there should be complete exemption if the second death occurs within five years. I have compared the provisions in this respect in many other countries. I think there are about 43 countries in which, by the way, estate duty is levied; and in my view the liberalisation made by the Select Committee by extending the relief to all property and exempting the second death occurring within three months is reasonable from one point of view and sufficient from another point of view

The interest of a Hindu widow dying within seven years of the husband's death is exempt if such interest devolves on the members of the coparcenary. It has been made clear by the Select Committee that this relief applies to Hindu widows whether governed by the *Mitakshara* or the *Dayabhaga* school.

Certain specific' exemptions have been included in clause 32 which are as follows:

(1) Gifts made for a public charitable purpose within six months of etc., to the extent of Rs. 2,500.

(2) Other small gifts made within two years of the death upto 1,500.

(3) Household goods, implements, the death upto Rs. 2,500. .

(4) Books not intended for sale—and there is no monetary limit to this.

(5) Wearing apparel excluding any precious stones sewn into it. Here also there is no monetary limit.

(6) Moneys payable on insurance policies effected for payment of estate duty and assigned to Government to the extent of the amount of the duty payable.

(7) Moneys payable under other life insurance policies to the extent of Rs. 5,000.

(8) Drawings, paintings, works or art, etc., retained in the family or bequeathed to Government or any University or any public institution;

(9) Other drawings, etc., not covered by item (8) and retained in the family and not intended for sale. Here again there is no monetary limit. And,

(10) Gifts made or money earmarked to the extent of Rs. 5,000 in respect of the marriage of each dependent female relative.

It will be seen that items in respect of which a monetary limit is fixed aggregate to Rs. 16,500, including only one female dependent under item (10). Besides this, there are other items for which there is no monetary limit. This covers a fairly exhaustive list, and, I might add, a sufficient amount of money.

The residuary power to grant relief by notification is made to vest in the Central Government in respect of any items not covered by the above list. In this respect, the dark suspicions entertained by some hon. Members as to the intentions behind this amendment are entirely unfounded. This has no possible reference to property held by the Princes. The reason why we have left this clause in this general form is that there are emergent situations in which a relief is called for but for which it does not seem necessary to make a provision among the normal items. For instance, a war breaking out. It will be seen that there is no reference here to war deaths and it may be that some kind of relaxation is called for in the case of deaths involved. I only give one instance but I do repeat that the insertion of this clause has no possible connection with property held by any particular classes.

Now, I go on to the question of the aggregation of property and rates of duty. Agricultural land situated in the States not included in the Schedule is also to be aggregated for determining the rate of duty payable on the other estate which is chargeable. The value of the property exempted under clause 32 is also to be included. If this were not done, the larger the claim, the greater would be the exemption limit which would vary according to the circumstances of each case. There is no doubt that the exempt property has to be included for purposes of the rate. In the U. K. there are no such exemptions as for life insurance policies or provision for female dependents. But property exempted to the extent of Rs. 50,000 in the case of property consisting of an interest in a joint Hindu family property or Rs. 75,000 in the case of any other property is absolutely exempt. This distinction is made on the basis of the nature of property, that is, property which is of the nature of a self-acquired property and which is not so and in no way contravenes, in our opinion, the provisions of the Constitution, In fact such a distinction already exists under the Income-tax Act in respect of income belonging to a joint Hindu family as distinguished from income belonging to others. Where an estate consists of both kinds of properties, the method of calculating duty on a proportionate basis has been designed and incorporated in the clause.

The next question, and a very important one, is that of valuation of property. Estate duty is payable on the principal value of the property and that has to be calculated on the basis of the price it would fetch in the open market at the time or soon after the death of the deceased. In estimating the value, any depreciation consequent on the death of the deceased would be taken into account. But, no account is to be taken that the whole property is to be placed in the market at one and the same time. This is the basic principle on which valuation is to be made. Valuation of shares in private companies in which there is a restriction to the alienation of shares is to be made on the assumption that the shareholder would be entitled to get registered. In respect of interest in expectancy, the duty is payable when it falls into possession. But, if the person accountable wants to pay the duty presently, the commuted value at the time of the death of the deceased will be ascertained. The value of the interest ceasing on the death of the deceased is to be ascertained on the basis of the principal value of such property as would yield an income equal to that enjoyed by the deceased. In general, therefore, the valuation is to be made by the Controller by such means and in such a manner as the Board may prescribe. The Board may also prescribe the reasonable times at which such property may be inspected by any person authorised by the Controller.

Then, as to deductions which are allowable. Funeral expenses up to Rs. 1,000 are deductible.

Shri C. D. Pande (Naini Tal Distt. *cum* Almora Distt.—South West *cum* Bareilly Distt.—North): It is too much.

Shri Venkataraman (Tanjore): Yes; it is too much.

Shri C. D. Deshmukh: The reply has come. This is, as I said, the view which had the largest number of adherents.

Other debts and liabilities include, I should like to point out, taxation liabilities up to the date of death, whether assessed or to be assessed later. These are to be allowed in computing the net value. Allowance is made for dower debts up to Rs. 5,000. Maybe, we shall have to ensure that these debts are evidenced by some kind of writing in order to avoid controversies. But, no deduction is to be made for any artificial debts created by the deceased. Expenses incurred in administering foreign property are to be allowed to the extent of five per cent. only.

Next, we come to the question, who is an accountable persons? In the case of transfers to a controlled company, the company and any person who receives the distributed assets of the company are accountable. In other cases, the executor, the legal representative, every trustee or guardian and every person

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who has any beneficial interest is accountable for the duty and is required to send, within six months of the date of death, an account of the property to the Controller. All accountable persons are jointly and severally liable, but not in excess of the property in their possession. The trustees of a settlement of interest limited to cease on death are expressly made liable whether they have parted with the property or not.

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As regards assessment, collection and refund of the duty, all accountable persons are under obligation to send an account of their property to the Controller within six months of the date of death. Where a grant of administration is applied for, the executor is required to furnish to the Controller a copy of the affidavit of valuation together with a statement of account of all property. The order entitling the applicant to the grant of representation is not to be passed till a certificate is produced from the Controller that the duty has been paid, or will be paid or that none is due. The Controller may require any accountable person to furnish an account of the property and for default or non-compliance therewith, may impose a penalty. Where the valuation of property has been under-estimated by omission of some property or otherwise, the Controller may require that person to amend the account and if he does not do so, he may assess the duty after giving him a hearing. Where no one has furnished an account, the Controller may have an account prepared and send to an accountable person for his acceptance, and if he does not do so, may determine the amount of duty payable. Whenever any amount is determined to be payable, the Controller will serve a notice of demand on the person accountable. In complicated cases, the Board may on application accept composition of the estate duty, where the assessment of duty is difficult owing to a number of deaths on which the property has passed or otherwise. No proceedings for assessment of duty can be commenced after the expiry of 12 years from the date of death. The Board may remit any duty remaining unpaid for a period of 20 years. On payment of the amount a certificate is to be granted. The estate duty is due from the date of death and constitutes the first charge on immovable property. In the case of duty on immovable property the accountable person can claim to pay the duty in eight yearly or sixteen half-yearly equal instalments with four per cent. interest or such higher interest as the property yields. Any excess duty paid is refundable within two months and any additional duty payable is also to be paid within the same period.

Then, I will come to the question of appeals and references. An appeal is provided to the Board against the Controller's determination of estate duty. The appeal is to be filed within 90 days. If the dispute pertains to the value of the property, the Board may and, if the appellant requires, the Board shall refer the question to the arbitration of two valuers, one to be nominated by the Board and the other by the appellant. The cost is to be borne by the party at whose instance, the matter was referred to the valuers. In the case of difference of opinion, the matter is to be referred to a third valuer to be nominated by agreement, or, failing agreement, by the Central Government. Where the appellant has been wholly or partially successful on a reference made at his instance, the extent to which the costs should be borne by the party is left to the discretion of the Board. The decision of the valuers is final. A reference lies to the High Court or the Supreme Court on a question of law.

Judging from the observations made in some of the minutes of dissent, there seems to be an unjustifiable bias that the appeal against the Controller's determination should lie to an independent tribunal and not to the Board. As I explained in the House in the course of the discussions on the Indian Income-tax (Amendment) Bill, if the appeal lies to a body, entirely outside the administrative department, there is necessarily some sort of rigidity resulting, in the interests of securing absolute conformity with the letter of the law. On the other hand, in the case of an appeal to the department, there can be, and there always is more flexibility, which is essential in the case of an absolutely new legislation as the present one. And this is the view which was held by representatives of an important institute which tendered evidence before the Select Committee. They said: "Our own experience of the Excess Profits Tax Investigation during the war showed that it might even be a very good plan for us to leave this matter to be settled, in the initial stages by the Central Board of Revenue, because what we found was that the Central Board of Revenue was much more generous than an appellate authority or a tribunal of the High Court might have been". Without accepting necessarily the implication in this, I do submit that that would be the wisest course to follow, at least in the initial years of our experience. The position in some of the other countries is this. In the U.S.A. the first appeal lies to the Board of Tax Appeals which is an agency of the executive branch of the Government. In Australia, the first objection is to the Commissioner of Estate Duty. In South Africa, the question of valuation is submitted to arbitration. In 95 per cent. of the cases, the appeal would relate to the question of the valuation of a property which the accountable person can require the Board to refer to two independent valuers. In a tribunal we cannot hope to have a number of expert valuers for all types of property. And then, if an appeal were to lie to an independent tribunal, they would have to refer the question of valuation to expert valuers, and then to rely on their decision. In view of this, the appeal to the Board would decidedly be preferable, as the administrative authority is likely to be as I said, less rigid than a purely appellate authority.

Then there is this question of who are the estate duty authorities, and what are the administrative provisions. The authorities entrusted with the administration of the estate duty are the Central Board of Revenue, the Controllers and the valuers. The last authority, *viz.*, the valuers, will be independent, qualified men of different professions and a panel of them will be appointed by the Central Government which will also fix the scale of fees chargeable by them. These valuers will, as I said, be independent, and will not be governed by any departmental instructions issued by the Board. Assessments of estate duty will be made by Controllers including Deputy Controllers and Assistant Controllers.

I shall not trouble the House with other machinery provisions such as those for the collection of unpaid duty as arrears of land revenue through the Collector, supply and exchange of information, service of notices, non-disclosure of information and the rule-making powers of the Board. These are the usual provisions necessary in a taxing statute.

It has been said that all good things are worth waiting for, and in the case of this measure, we have done nearly half a *tapas*, having waited for about six years

An Hon. Member: The duration of a *tapas* is......

Shri C. D. Deshmukh: Twelve years.

My hon. colleague who has just left —Dr. Katju—once said to me that he regards this measure as the good God's gift to lawyers. I would rather regard this as the Parliament's gift, if it is passed, to the good people of this country. And now that we have taken definitive steps forward in promoting this Bill, I hope that.....

Hon. Members: Bad omen.

Shri K. K. Basu (Diamond Harbour): It is a bad omen.

Shri C. D. Deshmukh: What is it?

Shri S. V. Ramaswamy (Salem): A single sneeze is a bad omen, they say.

Shri C. D. Deshmukh: Single sneeze means *Shatam jeeva*, living for a hundred years.

So, I hope that it will be passed without any avoidable delay.

Shri Raghavachari (Penukonda): Before the motion is placed before the House, may I ask one thing? It is only a matter of information.

Mr. Chairman: I will place the motion.

Shri Raghavachari: There was an idea that the rates should be introduced in a Bill before this thing was taken up for consideration.

Shri C. D. Deshmukh: The idea was that the rates should be introduced when the Bill was passed or about to be passed.

Shri K. K. Basu: May I make one suggestion?

Mr. Chairman: Motion moved:

> "That the Bill to provide for the levy and collection of an estate duty, as reported by the Select Committee, be taken into consideration."

I find that there is an amendment by the hon. Mr. Vallatharas, that the Bill as reported by the Select Committee be circulated for the purpose of obtaining opinion thereon. I would like to know from the hon. Member whether he wants to move it.

Shri K. K. Basu: May I make a suggestion to the Finance Minister? We would like that his speech be circulated to all Members. It will help our discussion.

Mr. Chairman: We are not going to finish the discussion today. Probably that is not the idea.

Shri C. D. Deshmukh: Of course, hon. Members who wish to speak tomorrow and day after can get it but those who wish to speak today cannot.

Shri C. D. Pande: Along with the parliamentary papers a copy of the speech may be sent to us.

Shri C. D. Deshmukh: I am quite willing to do so. But I do not know the mechanics of it—whether sufficient number of copies are available.

Shri K. K. Basu: It is cyclostyled.

Shri C. D. Deshmukh: Possibly it can be done.

Sardar A. S. Saigal (Bilaspur): In so many cases it has been done.

Mr. Chairman: I would not make it a precedent. But if it is possible for the hon. Minister to supply copies, let him do so.

Shri C. D. Deshmukh: I will endeavour to get as many copies as possible.

Prof. D. C. Sharma (Hoshiarpur): On a point of order, Sir. May I submit that the speeches of Mr. T. T. Krishnamachari and Mr. Jagjivan Ram on their respective Bills were circulated to us on the very day when they were delivered? I hope our Finance Minister will oblige us by sending us a copy of his speech.

Shri K. K. Basu: No point of order. Only a suggestion.

Mr. Chairman: Yes. It is merely a matter of suggestion. I do not regard what was done in the case of some other Minister in charge of a Bill as a precedent which will entitle them to this.

Shri Nand Lal Sharma (Sikar): It is more important.

Mr. Chairman: It is a matter of convenience and the hon. the Finance Minister has agreed that as far as possible, he will see that Members get copies. I think there the matter should end without precedent and other complications.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): It is in the interest of the Finance Minister also.

Mr. Chairman: Does the hon. Member, Mr. Vallatharas want to move his amendment?

Shri Vallatharas (Pudukkottai): I am not moving it. But I request your permission to say something.

Mr. Chairman: He does not want to move the amendment, but only wants to speak on this?

Shri Vallatharas: Yes, Sir. I am not moving it.

Mr. Chairman: If he does not want to move the amendment but only to speak, even then he can speak.

Shri Ramachandra Reddi (Nellore): Sir, the House would like to know the programme of work before the House for the next two days. It was originally suggested that five days would be allotted for the general discussion of this. We want to know whether during this session only three days will be allotted or there will be a further extension of two days.

Mr. Chairman: We will wait and see what progress the Bill is making and how many people are interested in taking part. We will decide later. It is just the beginning.

Pandit L. K. Maitra (Nabadwip): Do I take it that it is your idea that you will determine the whole question as you see the progress of the Bill? Do I understand that you contemplate extending the session beyond the 15th? Is it the contemplation of the Government to extend the session beyond the 15th?

Mr. Chairman: So far as I know, at the present moment there is no such intention. We will see the progress that we make and then decide.

Pandit L. K. Maitra: It was expected that the session would end on the 15th. Many hon. Members have already made arrangements for leaving the place. We cannot postpone that.

Mr. Chairman: There is nothing to show that there is any change in the programme. What happened is that the motion has been made by the hon. Minister and he has spoken. It is yet too early to speculate. Therefore, let us wait and see. We have already got two days ahead.

Shri N. C. Chatterjee (Hooghly): Having regard to the importance of the matter, may we have an assurance from the hon. Minister—the general discussion cannot be finished within a couple of days—that he will give at least three days more in the next session, as the Bill is unprecedented in the history of this country.

Shri C. D. Deshmukh: So far as I am concerned, I consider myself bound by the agreement arrived at that at least five days will be devoted to the discussion of this Bill. But, supposing there is no interest, there is no sufficient interest and people come to the conclusion—by the lack of Members getting up—that three days' discussion is enough, then at that time, a decision may be taken. But I do not want that that decision should be in the nature of moving any kind of closure. If there is a desire that the debate should be extended, at least I consider myself bound to agree to give three days more.

Pandit L. K. Maitra: He must realise that we are adjourning two days later. After all we have only two days before us; he has already taken some time and after he has finished there is hardly half an hour left for us. So the test should not be how many speakers stand on the last day because many people will be leaving this place. He must stand by the assurance given to us.

Mr. Chairman: I think the hon. Minister has given out that he would try to accommodate and stand by the assurance that he has given. At this stage any other suggestion would be premature.

Shri S. V. Ramaswamy: I submit that the Bill may not be taken up now.

Mr. Chairman: We shall see.

Shri Vallatharas: I give my full support to this Bill. By tabling a motion to circulate this Bill for eliciting public opinion, I simply wanted to augment the strength of the Government in securing the confidence of the people.

The views of the public, so far as they are available to us from the newspapers, convince me that there is no serious opposition to the principle of the Bill. One strong objection that is made is to be found in the *Amrita Bazar Patrika* about which I shall speak very shortly. Generally, there is no strong objection to the principle of this Bill.

Mr. Chairman: There is noise in the House; hon. Members will please keep silence.

Shri Vallatharas: Once a permanent tax is to be imposed upon the nation, certainly it is necessary that the Government take serious notice of the developments from day to day and try to adjust in such a manner that the operation of the tax does not suffer any failure in course of time. There is a notion that this Bill may be delayed till Dr. Mathai's Committee submits its report. That report may take two or three years or some time, a little bit less or more. In my view, it is totally unnecessary to wait for that report. We have sufficiently been stabilised in the matter of administrative conception of our national wealth, the capacity to bear the strain of taxes so far, and whether we will be upset by the imposition of this tax at present. There is a considered view that the levy of this tax will not seriously upset the social economy of this country. I am in favour of that view. Anyway the tax must come into operation. The section that may raise some objection to it will be the vested interests. Of course, that section will also be represented by some hon. Members who will be able to express their views. The serious objection that is contemplated or apprehended is in respect of the members of the *Dayabhaga* law, who apparently say that they do not want to have any discrimination from the *Mitakshara*. It is only an apprehension as to how far they would be treated on an equal basis or with a sense of fairness.

Before proceeding to some of the important aspects of this measure I should like to make it clear that there is a general conception that a capital levy like the estate duty may be an effective method of distribution of wealth in a particular country. Income-tax is considered to be so. But I seriously differ from this view. In every country there is some form of income-tax, some form of estate duty, or death duty. By the payment of these taxes, even at a high percentage, I have not seen any change in the ratio of wealth that is in the hands of the capitalists or of the average man or of the poor man. It is dangerous, therefore, for people of advanced thinking, to believe that this capital levy will be an effective method of redistribution of wealth. It cannot operate so. I do not want to dilate upon this matter, because every Member has been keen about studying the implications of this duty.

In our country, if we take into consideration the exemption level, whether it is Rs. 50,000, or Rs. 75,000 or anything, nearly about 60 per cent of the owners of agricultural lands have got property only below Rs. 60,000 or over Rs. 50,000. The zamindars, the surviving princes, the big *mirasdars*, these are the people who own enormous lands and their wealth may go into several lakhs. They are the people who will be affected by this tax. If I take the territory within my personal experience, there are so many *mirasdars* who will have to pay this tax. They squander wealth in such a manner that nobody need shed any tear for them. Their life is one of waste and sinful living. If a capitalist has got enormous sums of money and if he devotes at least a small portion of it to a productive concern, or for the welfare of the nation, or a purpose that will rejuvenate society, I can understand his being left in enjoyment of the rest of his property. But my experience of these land-owners is that they squander away their money. So, we are not very much worried about the repercussions of the levy on large property-owners. When the zamindari abolition was first mooted there was hue and cry. But

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once the axe was applied there was silence, acquiescence and a tendency to feel that what was done was right. So also about the introduction of this tax. Some people seem to murmur: But they will cease to murmur and will feel that it is their bounden duty to apply their properties for national ends, without its being allowed to lie dormant, or wasted by them.

So, there is no dispute about the proposition that the rich man has to be taxed. On the question of the fixation of the limit of taxation, there is a keen difference of view. The previous Bill of 1946 or 1948 suggested a minimum of Rs. one lakh. But my view is that property above Rs. 50,000 must be taxed; there is no other alternative Here, we must safeguard against a danger. The valuation machinery must be made so perfect that there would be no grievance at all, because each property has a market value and this criterion is a dangerous thing. Supposing there is a house owned by X. It is in an ordinary locality and will fetch about Rs. 10,000 in the market. Supposing a capitalist, by reason of a licence and some financial assistance he has received from the Industrial Finance Corporation decides to purchase a vacant plot near about this house for his industrial purpose by paying Rs. one lakh, then the value of this house also will go up. This is not abnormal. In Ramnad district, where the monied classes live, one square foot of land costs Rs. 100 or Rs. 200, whereas on the other side of the district a square foot costs only Re. one or Rs. two. These rich men are afraid of keeping liquid money. They are afraid of the social elements near about them. So, they prefer to invest them in material property. When an industrialist adventurer wants some fifteen or twenty acres for his factory, he pays a very high price. On the other hand, when the taxation officer goes there, he will take the sale deed of the vacant land and apply that value to the adjoining house. If so, the officer may as well say, "The market price now is Rs. 100; why should your property alone be judged at Re. one per sq. ft.?" So in valuing property, Govvernment must seriously consider the local circumstances. If there is a large difference between two properties in a particular place., the root cause for the enhanced price should be analysed and settled. The reason why I am urging this is this. Leave aside the villages. You go to urban areas. In cities and towns, houses play a very prominent part in constituting the property of an individual. Some houses fetch Rs. 5,000; some fetch five or six times more. In estimating the value of houses in urban areas, the caution I have mentioned is of the utmost importance. Apart from that, if an urban man has got only a house and no other property worth mentioning, he must be given a special preference and the exemption should be on a special basis. Even if the property is worth a little more than the exemption limit, he should be given the exemption. If that is done, it will alleviate the apprehensions and sufferings of several thousands of people who own only houses.

Another point is this. Supposing the exemption is up to Rs. 50,000, and the valuer values it at Rs. 400 above this limit, then the property must be taxed; if it is valued at Rs. 100 less than Rs. 50,000 then there is no taxation.

Shri Venkataraman: But the tax will be only on the Rs. 400.

Shri Vallatharas: Supposing the value is Rs. 49,999—then no tax; supposing the value is Rs. 50,001—then tax.

Shri C. D. Deshmukh: But tax on rupee one only.

Shri Vallatharas: Whatever it may be, you have a progressive gradation. I need not take you to the bottom from the height. Supposing an estate is worth Rs. 40 lakhs, on the system of the progressive gradation, the charge will be at seven per cent., but if the level is exceeded by Rs. 100, then the charge will be at eight per cent. The quantum is a serious thing. Your valuation machinery must be a very safe one, and the machinery to which an appeal will be made in respect of the valuation must also be a very safe machinery. Only if you make sure of this, the apprehensions that are entertained by the public will be removed.

Another thing that I notice is that the rate of tax, the nature of the tax, the quantum of tax, the maximum and the minimum that should be fixed—all these are left for another Bill which will be brought immediately before passing this Bill. There is a difference of opinion on this point. Why should you reserve it for a future time, and that too to coincide with the passing of this Bill? Why should you not incorporate it in the legislation itself? The rate of tax might be a part of the provisions of the present Bill itself. What is the principle implied in detaching this provision for a separate legislation? Whether it is passed as a part of this legislation or as an independent Act, I do not think anything serious is going to happen. But when you consider this Bill it is desirable that the Government acquaints Members of the House with an approximate idea of theirs, about the rate that can be imposed, whether it will be a permanent rate or a graded and progressive rate or some such thing. So we want to have an idea of it. Without that idea there is absolutely no use in considering this Bill. Because in some countries the percentage rises up to eight per cent, in some it is very low and in special circumstances may be enhanced. But our present Government is a hard stricken Government. Already it has no money in its hands; the present tension is so serious that it wants more money for other purposes, for instance for implementing the Five Year Plan. A hard pressed Government in financial necessities cannot be allowed to have the revision of tax to be done every year by means of a Finance Bill or something of that type. It is quite necessary that you must state the rate of tax, and that too to remain as a permanent item for five years to come. To subject it for revision annually or at your own will and pleasure will not be appreciated in a proper light.

Then I come to estate duty on small business. The Finance Minister may refer to an article in the *Eastern Economist* wherein a case is made out for the small business. I may give it for the information of this House because I see some substance in that:

> "At least this is the warning conveyed by the recent representations by the National Union of Manufacturers to the British Inland Revenue Authorities. There again the Inland Revenue Authorities had minimised the hardships caused to family business by death duties and in a White Paper issued in July 1951 they had dismissed the extent of hardship as present only in 2 per cent of the cases. The National Union of Manufacturers has now sought to prove that nearly one-fourth of the private business houses assessed to death duties are affected, the basis for this being provided by an independent statistical enquiry. It has been stated that the sales of trading assets in order to pay duties have led to the amalgamation of many such family businesses, thus steadily squeezing out small enterprises. Since relief in cases of hardship is given only after a business suspends operations, the National Union of Manufacturers have started a fresh enquiry for relief: lower duties in plant, factories and machinery. The Select Committee must devise ways even at this stage to safeguard against a repetition of this experience in this country."

The hon. the Finance Minister, some time back, had to say something about the absorption of the small business enterprise and if I am correct this is what he said:

> "The payment of death duties may conceivably precipitate sales of part of the assets or lead to indebtedness. Even so if the levy directly leads to conversion of some of the privately owned concerns into public limited companies, the change would not be unwelcome. Such an approach.... not only that the present conditions in India in which private business plays a prominent part but also that even in advanced countries they have got an important function to fulfil and that paralysing their operations is not precisely a good method of ensuring the emergence of newer and more acceptable forms of business organisation."

This is too technical a subject over which I am not able to give a detailed explanation all myself but I feel there is a legitimate grievance expressed in the course of that article and it may deserve the serious consideration of the Finance Minister.

When an assessee is not able to pay the tax, then it will be in arrears under the ordinary land revenue regulations. What I mean is this. If we did not pay the land revenue or any other tax on property, that property is to be auctioned straightway and he who purchases it takes it and the money accruing out of the sale is adjusted to the liability. I have seen cases in which properties worth thousands have gone for some hundreds of rupees, because the competition is being squared up by a set of people. Those who come to bid are prevented from bidding by some persons who dole out some considerations to others and who take the property for a small sum. I have seen court sales where these atrocious things happen. I have seen in villages where there is one anna purchase. Nobody will purchase. Then the Government will purchase for one anna. In that way the property which the owner is not capable of preserving by paying the ordinary routine land tax is now subjected to another infliction, that is, the infliction of the estate duty. I know many cases of lands being auctioned for insignificant prices and they are lying fallow. They are Government property now. Several properties are taken

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away for a small price by opportune purchasers. I need not refer to the other illegitimate methods pursued in such sales. The officer who is to sell them is easily purchased. He fixes the auction in such a way that except the purchaser, nobody appears. Nobody will be in the know that an auction is taking place. It is a great problem to prevent all these abuses. This method of treating them as revenue arrears will do great havoc among the landholders. So a system must be adopted. What is in force in the United Kingdom? I should like to know. I remember to have read that when an immovable property is taken out, it is not put to revenue auction but it is entrusted to some trust which should manage the property. I know that way the administration goes on, I have not got much intimate knowledge of the working of that system. It is desirable that the Government devotes its attention to this. When you take a property, you apply the market value standard for assessing your tax. When you want to take the property for discharging the tax, you must not absolve from this standard. You must not discriminate. You must go on the basis of market value, slice out a piece of the property worth a market value, which will substantiate the payment for the death duty. When you apply a market value for one purpose, you must apply the same for another purpose. In that way, a National Trust has to be created in this country to which the property taken out from the assessees, where the assessees are not able to pay the tax, must be intrusted. The National Trust must be in charge of such property. Afterwards, of course, there may be a general adjustment among the classes of society which will be benefited by such collections of property. This is a matter which deserves some serious, legitimate consideration.

Mr. Chairman: May I bring to the notice of the hon. Member that at 12.45 the House is going to take up some other business?

Shri Vallatharas: I will finish before then.

So far as the tribunal is concerned, for the present, the Government may have any amount of administrative control. But, it is an accepted principle that any section of the department of the Government, however great it may be, cannot be entrusted with the task of sitting as an impartial tribunal over the conduct of its own subordinates. As I have already referred to, the process of valuation must be very strict. The tribunal that has to hear an appeal from any order in respect of valuation of property or fixing the quantum of tax, must be an independent tribunal. It must consist of very great personalities, who should be independent and free of all influences possible and Government should have nothing to do with them. Government should not throw upon its own shoulders too much of day-to-day procedural work. That is also another economy that must be effected. Further, in this case, the parties must be given full opportunity to see that they are going before an impartial tribunal wherein they will be able to get justice.

In this connection, I wish to make another point also. Justice must be made cheap. If you are going to have regional assessment territories, for instance, Madras will be one and Madhya Pradesh will be one, and there will be one superior tribunal. A man who is possessed of a small property on which he will have to pay some amount as tax, if he wants to seek a remedy, he should not be made to go about 200 or 300 miles. His remedy must be available on the spot. Here, you will have to make use of the judicial machinery that is available in each taluk, division, in each district. There is a district munsiff who has got a limited jurisdiction. His authority, his intelligence, his resourcefulness in work, we are witnessing day-to-day. To his valuminous work, this also should be added. He must be the first authority to which any party may go in that particular area. From him, there must be an appeal to the district judge and then, from there to the High Court. That grade must be found out because there are certain cases in which the first attempt will be the final attempt. That would mean about 80 per cent. of the cases. There may be cases in which a man would go to the High Court; that would be only about 20 per cent. Instead of too much depending upon these departmental, exclusively administrative units, it is desirable that the remedy should be made available at the locality itself as far as possible, just as other civil and criminal justice is being done.

I have not much to say except that it is our earnest desire that this Bill must be passed into law very early. Several people are dying and have died in the recent air crashes, etc., premature deaths. We gloat over deaths because we want to get money. If this Bill had been passed last year, we would have got some money into our hands. One man's food is another man's poison; one man's death is another man's heaven. In that way we will have to calculate and bring out this law as early as possible. I would suggest that we finish these five days discussion in this session, sit another ten days and pass this Bill into law. I say that the tears of the middle classes, the labourers and the poor men should be wiped out by imposing a little burden on the people who are placed in more auspicious circumstances, who live in a luxurious way, never feeling for the common man, but always raising a hue and cry about their miserable conditions.

OFFICIALS OF TRADE UNIONS

Mr. Chairman: Hon. Member Shrimati Renu Chakravartty had given notice of raising a half-an-hour discussion on points arising out of the answers given to Starred Question No. 1206 on the 7th April, 1953, regarding officials of Trade Unions, and the Deputy-Speaker has allowed that discussion to take place. The only point I would like to make clear is that I find under sub-rule (5), it is only the Member who has given notice of such a matter who must really make a short statement. Unfortunately, the hon. Member Shrimati Renu Chakravartty is ill. Because somebody has supported, therefore, I do not think it is allowed, but all the same, under the special circumstances of this case, and in view of the importance of the subject, I will allow Mr. Nambiar who had also supported this motion as is required to be done under that rule, to make a short statement.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Will it be a precedent?

Shri Nambiar (Mayuram): This question is raised in continuation of the Starred Question No. 1206 which was answered on the 7th April, 1953 in which there were contradictory statements on the part of the Deputy Minister of Labour. In the answer he says:

> "Government employees in Defence and other industrial concerns are not debarred from having outsiders in their Union as office-bearers."

That was the reply originally given. Subsequently, in the course of his reply, he again says:

> "Whatever has been done by the Home Ministry, we accept as the correct procedure and the right thing."

Here, the question is this, whether outsiders can be permitted in the trade unions of the Government employees. "Government employees" does not generally mean all Government employees, whether they are policemen or military personnel. Here what we mean is Government employees in the industries or concerns of the Government such as the Civil Defence Organisation, the Post & Telegraphs, Railways, the Central Ministerial Service etc. In such cases, even before the Congress people took office, the practice in this country was that all such trade unions were allowed to take outsiders up to a certain percentage—say, 50 per cent of the office-bearers were taken from outside, outsiders, meaning thereby, non-employees. This is the spirit of section 22 of the Trade Unions Act. This was the procedure till now. Even under the Government of India Act this was allowed.

Recently, what has happened is the Home Ministry has issued a circular saying that in such undertakings or concerns which are directly under the Central Government, outsiders should not be allowed in any trade union. This is the circular issued by the Home Ministry, and, of course, that circular was brought to the notice of the Labour Ministry. Now, the question is whether the spirit of the Trade Unions Act saying that 50 per cent outsiders can be allowed in the trade unions should be allowed to continue or the decision taken by the Home Ministry recently should supersede that procedure. That is the question.

In this case, I want to submit to you for your information that as long ago as 1935 or even prior to that, this right was conceded, and with regard to the Railways, I can quote the rule under "Conditions precedent to the recognition of a Union by a Railway Administration" in the Indian Railway Establishment Code, Volume I. Rule (9) (a) says:

> "Subject to the control of the general body of members there shall be a Central Executive Committee ...... "

Rule (9) (b) gives the powers of the Central Executive Committee. Rule (10) reads:

> "Subject to the provisions of section 22 of the Indian Trade Unions Act, 1926, persons holding the offices referred to in clauses (i) to (v) of Rule 9(a) need not necessarily be railway employees. They shall be elected at the annual general meeting and shall ordinarily hold office for one year or until the next annual general meeting".

This is the position in the Railways. This is a rule made under the Government of India Act, 1935. Even in the

[Shri Nambiar]

days of the British Government here. this right was given to the Government employees and they had created a model rule for recognition of trade unions. Now, why should there be a departure? You can see that the hon. Minister of Labour, Mr. V. V. Giri, himself was the office-bearer of several trade unions previously. I know the Deputy Minister of Labour was also office-bearer of many trade unions. I do not know why this particular thing should come now.

Shri Raghavachari (Penukonda): May we go on without a quorum, Sir?

Mr. Chairman: We have quorum.

Shri Nambiar: Recently I was also trying to get certain trade unions registered.

Mr. Chairman: I think the hon. Member need not protract so that he will lose the substance for only a form.

Shri Nambiar: I will keep within the ten minutes, Sir.

Mr. Chairman: He might make it a little more interesting.

Shri Nambiar: I will try to make it more interesting.

Mr. Chairman: And short also.

Shri Nambiar: Yes. The point is this. Recently I had approached certain Ministries of the Government for recognition of certain unions. For instance, there is the Survey of India Class IV Karamchari Union. I got into the Ministry and tried to get recognition for it.

Shri B. S. Murthy (Eluru): He got into the Ministry?

Shri Nambiar: I approached the Ministry.

Shri B. S. Murthy: He got in touch with the Ministry.

Shri Nambiar: Thank you for the correction.

Mr. Chairman: That is what he means.

Shri Nambiar: Then an objection was raised that a particular gentleman who was himself and employee was discharged and therefore he became an outsider. So they said that this particular gentleman being an outsider—which was in contravention of the spirit of the Home Ministry circular—they would not recognise the particular union. I find the same position with regard to several other unions. For example, the Ordnance Depot Union. Therefore, Government are now following a procedure adopted by the Home Ministry's circular that outsiders should not be allowed. At the same time, those who are already employees are victimised, discharged from service and made outsiders also.

Here comes the real difficulty. You cannot run a trade union with outsiders who are not employees and you cannot run a trade union with people who are ex-employees. Then how can you run a trade union? This is the case, whether it is in the Railways or in the Ordnance depots. He himself has to manage a trade union and become office-bearer, President, Vice-President and so on and according to the rule he continues. But what happens? He becomes an ex-employee; he is discharged. Therefore, he cannot run the union. Any other person who occupies that position will again get discharged. There is this fear throughout. The trade unions find it very difficult to conduct the business. That is the real position. This is a method adopted to terrorise the workers. If the workers become trade union leaders and office-bearers, they will be victimised. Therefore, they will not come. If outsiders come or an ex-employeee comes, they will not be allowed according to the circular. Thereby it means that no trade union worth the name can be conducted. Only trade union which will 'carry favour' with the Government and the policies of Government and will support the Government *in toto* will alone be allowed under the present circumstances. That is why I say that the right of forming trade unions and the right of conducting trade unions on genuine trade union principles is becoming impossible in this country for the reason that they are bringing all sorts of rules and regulations which are in contravention of the rules and regulations adopted by the Indian Trade Unions Act—the spirit of it. The right which we enjoyed during the British days in this country is being denied today and it is a very serious inroad into the rights and privileges of the working class.

Mr. Chairman: May I suggest that this is only part of the statement? I would call one or two hon. Members. The hon. Member will kindly be as brief as possible.

Shri Nambiar: I will finish, Sir.

My submission is this that the Government should allow the full right of the members to continue as they did all these years. They should not interfere with the trade unions and they should not dictate terms as to what they should do or who should be the office-bearers. It is up to the workers themselves to elect their own office-bearers.

They speak of another Bill which they are contemplating to bring. Let them bring that Bill; we will tackle it then. For the present let them not confuse things with the Bill that is going to come, and take law into their own hands to curb the trade union spirit. Let them allow healthy trade union movement to grow in this country. If they do not allow this movement to grow, let them not think that workers will have no other go. They will resort to strikes and create confusion. Workers will not submit. Let them not be under the illusion that because they pass a particular rule, the workers will keep quiet. Therefore, let them not create greater trouble and let them be fair in dealing with trade unions and workers. Let them give to the working class at least those rights which they enjoyed during the British days—I know the present Government will not give more and I cannot expect more from them. This is my request. I hope the contradiction which the Deputy Labour Minister brought forth in his answer must be corrected and let him accept this principle. This is my submission.

Shri K. K. Basu (Diamond Harbour): I wish to put one question, Sir. In the labour legislation of a country it is generally provided for the healthy growth of smooth movements that outsiders should be included. Because of the particular attitude of the Government in creating invidious distinctions between persons working in Government organisations and persons working in private institutions, so far as trade union rights are concerned, I will urge upon the Government to consider, in the interests of the healthy development of trade union movement, to put both the classes of workers on the same footing, and withdraw whatever decision the Labour Ministry or the Home Ministry has taken to prevent outsiders who are interested in the labour movement to participate in the organisation or the organisations of Government employees.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Mr. Deputy-Speaker: Are there any other names that have been given?

Shri Raghavaiah (Ongole): I have given my name.

Mr. Deputy-Speaker: I do not see the name of Shri Raghavaiah. Shri Murthy has also not sent in his name.

Shri Raghavaiah: I put a question the other day.

Mr. Deputy-Speaker: All right.

Shri Raghavaiah: From the minutes of the Labour Conference convened at Naini Tal, the proceedings of which have been supplied to hon. Members of this House, I understand that before a measure of this type was undertaken by the Government, the view put forward by the most representative of the labour organisations in this country the AITUC was that the employees, in case they were forced to be office-bearers of the respective trade unions, should not be transferred from one place to another within two years of their service.

Mr. Deputy-Speaker: I do not allow a discussion. Hon. Members must hereafter give notice before the sitting commences. Anyhow I am allowing him. He can put only one question.

Shri Raghavaiah: In view of this argument put forward by the representative of the AITUC in case such a dangerous measure is brought forward by the Labour Ministry, an assurance should be given to the employees that they will not be transferred before two years of their service at one particular place comes to an end. I would like the hon. Minister to say whether he is prepared to give that assurance or not.

Shri B. S. Murthy: *rose—*

Mr. Deputy-Speaker: I do not want to create a bad precedent.

Shri B. S. Murthy: I do not want to make a speech, Sir.

Mr. Deputy-Speaker: Speech or no speech; they must give notice in advance. Anyhow, as I explained, I allow it.

1 P.M.

Shri B. S. Murthy: Are not Government aware that the wisdom and experience of men like Messrs Jai Parkash Narain and Guruswamy who are outsiders and have been in the Railwaymen's Federation, enabled Government to tide over many a crisis? It is not necessary to provide good leadership so that the trade union movement in India may grow from strength to strength; if so, what harm is there if such people like Messrs Jai Parkash Narain and Guruswamy are allowed to help the working of the trade unions?

The Deputy Minister of Labour (Shri Abid Ali): The whole discussion seems to have arisen on the basis of a

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misunderstanding of the reply which has just been referred to by my hon. friend Mr. Nambiar. The discussion was with regard to the Trade Unions Act and the registration of trade unions. During the course of the supplementaries a question was asked about the unions of Government servants, particularly with regard to the industrial sector. I replied that Government employees in defence and other industrial concerns were not debarred from having outsiders in their unions as office-bearers. That is the position even today. The circular which has been referred to does not affect this position. The circular **says**:

> "The question whether election by associations of civil Government servants of non-officials as office-bearers should be allowed has been considered in the Home Ministry and the conclusions reached are as under:
>
> It is now the accepted position that no persons who are not Government servants should be elected as members or office-bearers of unions or associations of civil Government servants, that is Government servants other than industrial employees of Government. Such Government servants are well able to look after their own interests and manage their affairs."

The circular says "other than those employed in industrial concerns." So the whole discussion becomes unnecessary. That is my reply to this supposed contradiction. I need not say anything further on this point because the employees in industrial concerns of Government like, Railways and other forms of thansport, ports, docks, wharfs, jetties, telegraphs and telephones, wireless and broadcasting establishments, mints, printing presses, ordnance factories, depots, etc., public works establishments, irrigation and electric power establishments, plantations, mines and factories, are at liberty to have their unions according to the Trade Unions Act. The rules regarding their recognition have already been laid down and there is absolutely no change. They are at liberty to have outsiders as office-bearers.

This, as I have already pointed out, concerns civil Government servants only. This much I hope will be sufficient so for as the supposed contradiction is concerned. I am sure that everyone who is interested in good administration and wants that there should be purity and integrity in administration will support this circular.

About the claim that the AITUC is the most representative organisation of workers, many attempts have been made to verify their representative strength and always they have non-cooperated with us. Whenever we tried to verify the figures from the returns which their affiliated unions themselves have submitted to the Registrar and whenever the total is made, it has been found to be much below—not even one-fourth of what they claim. To come here and say that it is the most representative organisation of workers in India is too much. It should not be said in this House and at least by hon. Members. (*Interruption*).

Shri K. K. Basu: What about the assurance?

Shri Raghavaiah: My point has not been answered.

Mr. Deputy-Speaker: I will not allow him to interrupt like that. Nobody can ask anything irrelevantly.

Shri Abid Ali: With regard to protection, I have already explained. A civil servant, according to the accepted definition, is a person who is a member of the civil service of the Union or a member of the all-India service or a civil service of State or who works in a civil post under the Union or a State. Such a person shall not be deemed to be a civil servant if he is working in the establishments which I have already mentioned. Article 311 gives complete protection to civil servants. The charges against civil servants have to be proved. They should be given ample opportunity to explain and prove their point of view. They can petition in the case of the States to the Governor or the Rajpramukh and in the case of the centre they can submit a petition even to the President. There is much difference between a private employee and a Government employee. Security of service is guaranteed to Government employees and procedure has been laid down. Regulations have been issued and the Constitution gives them complete security.

With regard to the statement that there is victimisation and that the present rule is worse than the British rule, it has become customary for hon. Members opposite to make such statements. They know that it is not liked by the workers themselves. They know that not only I and my hon. colleague the Minister of Labour, but everyone in the Government wants that there should be complete protection given to the workers for organising trade

Unions. We do not want anyone to be victimised because he is taking part in trade union activity. We do not want that anybody should be punished for his trade union activity. But at the same time, we want that trade unions should not have a licence for misbehaviour. They should not be made a tool for keeping away from work or not doing the work properly. Workers should be disciplined, respectful and dutiful. Everyone of us should follow these good principles.

Shri K. K. Basu: But conditions must be created for that.

Shri Abid Ali: I know that some parties are showing too much sympathy for the workers. They themselves know—and the workers know it more than I and they do—that these parties have no sympathy for the workers; that they do not want the betterment of the workers or of the country; that they want contact with the workers, so that all that is happening in the Government administration should be known to them through trade union contacts. That will not be possible, and that will not be permitted.

Shri Raghavaiah: My question has not been answered.

Shri Abid Ali: It has been made quite clear that there should be trade union activity. It should be healthy. It should be conducted on trade union lines; not for party purposes. To that extent, workers will have the protection of these regulations and the Constitution. But if, under the name of the trade union and trade union organisation, they want to misbehave, then certainly action will be taken. Even then, the procedure which has been laid down will be followed.

Shri Raghavaiah: My question has not been answered.

Mr. Deputy-Speaker: It would not be answered. The hon. Minister has stated that it is not relevant. I am not going to allow a debate. He cannot go on interrupting like this. No one can force an answer from a Minister.

Shri Abid Ali: I have nothing more to say. In fact there was no room for this discussion. But still as the hon. Member insisted and you were good enough to allow it, I have explained that there has been no contradiction. Registration of a trade union and recognition of a trade union are two different things. So far as industrial workers in Government establishments are concerned, this circular does not concern them and they have full liberty to have their trade union organisations on the lines on which they are already working.

Shri K. K. Basu: Why have a difference for civil services?

Shri Nambiar: He says that trade unions of industrial concerns are separate and different from trade unions of civil employees in Government employment. Both these trade unions are registered under the same Trade Unions Act. May I ask what is the exact reason why the second category of trade unions should be treated like that and why they should be prevented from choosing outsiders as their office-bearers? Why should there be a discrimination there? That point has not been clarified.

Shri Abid Ali: I have alrealy clarified it. There is a difference between industrial concerns and civil administration. So if it is for instance transport, whether it is managed by a private agency or by Government, they have been given the same status. But there is difference between the transport organisation in Bombay or Calcutta or Madras and administration in Madras or Bombay or Calcutta—the Secretariat. Rigidly, under the present Trade Unions Act, persons working in administration, in the civil services, cannot have a trade union. At some places their registration has been refused, but at some places trade unions of civil servants have been registered. That apart, I have already explained the difference.

The House then adjourned till Four of the Clock.

The House re-assembled at Four of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair.*]

BUSINESS OF THE HOUSE

Shri H. N. Mukerjee (Calcutta North-East): May I mention a matter of which I hope the Leader of the House will take note? I would like to request the Leader of the House to find out if some time could be allotted for the discussion of the present posture of our foreign affairs. I make this request because today things are happening, especially in the Middle East, particularly perhaps in Egypt, also in Indo-China and over the peace negotiations in Korea, which are agitating the minds of our people and we feel that now that the House is going to be in recess for more than two months, it should have some opportunity of finding out what exactly is the mind of Government in regard to the present posture of external affairs. Personally, I would like it very much if the Leader of the House can allot some time for a discussion but if it is

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found to be practically impossible to arrange a discussion, at least we perhaps might have a statement by the Leader of the House, because he himself is going abroad and the House is going to be in recess for more than two months and that is why I suggest that some time may be set apart for some kind of a discussion on the present posture of foreign affairs.

The Prime Minister (Shri Jawahar Lal Nehru): I am always agreeable to this House to discuss any aspect of foreign affairs. The only difficulty that arises is normally how to find time and we have now got two days more, fairly full days. It is not clear to me how to find time for a discussion. If it so pleases you, Sir, and the House, I can, either tomorrow or the day after, make a brief statement after the Question Hour.

The hon. Member in his suggestion is quite right in saying that there are important issue taking shape all over the world, in the West and East. There is no doubt about that. At the same time, the fact that things are on the move in many places makes it a little difficult to discuss them in detail because one has to be a little cautious about saying things lest something we might say might, instead of helping, hinder, but if it so pleases the House, I shall make a brief statement about some of these matters either tomorrow or the day after, as you think fit.

Dr. Lanka Sundaram (Visakhapatnam): Would it at all be possible to have an hour or two tomorrow afternoon or the day after tomorrow for a discussion?

Mr. Deputy-Speaker: Particularly in view of the fact that the whole thing is in a fluid condition and we are not responsible for many of these things—we have to watch and see lest we should disturb by our own action or statement or do anything which might be misinterpreted—I think it will be advisable to ask the Prime Minister to make a statement in the manner he chooses without allowing a debate on that matter at that stage. He may make a statement as convenient to him either tomorrow or the day after immediately after the Question Hour.

Dr. Lanka Sundaram: In view of your ruling, Sir, can we, belonging to either side of the House, suggest to the Leader of the House the subjects on which we want to have information?

Mr. Deputy-Speaker: Any hon. Member can write to me giving particular points on which he would like to have elucidation.

Dr. Lanka Sundaram: We may fix the day after tomorrow for this so that we can send our suggestions.

Mr. Deputy-Speaker: We will have it day after tomorrow.

MOTION *RE* ASSOCIATION OF MEMBERS OF COUNCIL OF STATES WITH PUBLIC ACCOUNTS COMMITTEE—*contd.*

Dr. Lanka Sundaram (Viskhapatnam): I confessed to disillusionment yesterday when the Prime Minister, as Leader of the House, moved a motion before us for discussion this afternoon. I had hopes that this question would be discussed threadbare either in the Business Advisory Committee or in consultation with Leaders and Members of various Groups and parties in this House. I am sorry that such a position was not reached by us, with the result that I considered, with due respect to you and to the Leader of the House, that the motion was rather abrupt in its character and implications. I would like to say at the very outset that there should be no disposition on the part of any Member of this House to dispose of this motion on a party basis, and I hope that my appeal will be heard in the proper quarters, because I feel that the motion, if passed in this House, is fraught with numerous implications of vital importance, not only to the rights and privileges of this House but also to the privileges and rights of the other House.

Yesterday, the Prime Minister said and I hope I am quoting him correctly —that the decision of the Public Accounts Committee was wrong. I feel, and I say so with a sense of responsibility, that a statement of this character coming from the Leader of the House is rather unfortunate, because the Public Accounts Committee is one of the vital organs of this House, and it has come to a unanimous decision on the subject matter of this motion, and I do hope that Members of the Public Accounts Committee who are present here today would stand up and justify the position they have reached.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): May I intervene? I cast no aspersions on the Members of the Public Accounts Committee. As a matter of fact, it was odd to me to say so. I did not know at all what the Public Accounts Committee had said or written about this matter till rather accidentally and casually about four days ago, it came to my notice. Nobody sent it to me. Neither did the Public Accounts Committee machinery come to my notice. The Public Accounts Committee deals with certain matters of great importance, but I may submit the Public Accounts Committee is not a high authority on constitutional practice. In regard to that matter I felt the Committee was wrong.

Dr. Lanka Sundaram: I am satisfied with the explanation of the Prime Minister. I have got the report of the yesterday's debates. The words used by him made me to understand that the Public Accounts Committee Members were completely in the wrong. I will not pursue the point any further.

I feel that there was a tremendous amount of misapprehension as to the character of the work done by the Public Accounts Committee, and also as to the rights and privileges of this House on money matters and matters relating to money affairs. If I am not mistaken, the primary function of the Public Accounts Committee is to ensure that the funds voted by this House are properly utilised. Secondly, it has to go over the report of the Comptroller and Auditor-General annually, and unless and until the Public Accounts Committee of this House examines the report of the Comptroller and Auditor-General, this House cannot examine the report as such of the Comptroller and Auditor-General. If you permit me, I will make a reference briefly to Rule 196 of the Rules of Procedure and conduct of the Business of this House. Rule 196 (2) runs as follows:

> "In scrutinising the Appropriation Accounts of the Government of India and the report of the Comptroller and Auditor-General thereon, it shall be the duty of the Committee on Public Accounts to satisfy itself.
>
> (a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
>
> (b) that the expenditure conforms to the authority which governs it; and
>
> (c) that every re-appropriation has been made in accordance with the provisions made in this behalf under the rules framed by competent authority."

With your permission, Sir, I would like to emphasise the word re-appropriation; for, I will come to that very soon with certain illustrations of the importance of the matter contained in this motion The House of the People alone can vote estimates more than everything else. I hope the hon. Leader of the House will bear with me on this point, no moneys granted by this House can be reduced except by this House. As I will show very soon, the Public Accounts Committee comes into the picture in this very material respect. Under article 151, the annual report of the Comptroller and Auditor-General is laid on the Tables of both the Houses as a matter of procedure. The report of the Comptroller and Auditor-General as such is not discussed either by this House or by the Council of States. This, to my mind, is a very important point and as I will show in the course of my arguments, this point cannot be neglected before we pass this motion. The report of the Comptrolled and Auditor-General is only discussed in relation to the manner in which the Public Accounts Committee examines this report. Here, I would like to say in a parenthesis that the Comptroller and Auditor-General performs certain executive functions within the provisions of the Constitution, and presents what might be described as the preliminary expert report on the manner in which the funds voted in this House are properly utilised. I would request the hon. Leader of the House in particular, and also this House, to remember that the Public Accounts Committee can go beyond the report of the Comptroller and Auditor-General, and can call for evidence and submit its findings to this House, with the result, that the functions of the Public Accounts Committee are exceptional in terms of the rights and privileges of this House. Without the Public Accounts Committee's vetting, if you will permit me to say so, the report of the Comptroller and Auditor-General, in the light of the further evidence as they may obtain from time to time, this House does not, as a matter of course, as a matter of procedure, go into the manner in which the funds voted by this House are utilised.

On the other hand, the Council of States has no power to vary or alter or make any recommendation in respect of these very vital money matters. Yesterday, my hon. friend Mr. Chatterjee made reference to taxation without representation. I would not like to go into an examination of the implications of such a broad proposition. But, I want the House to remember, and I want your guidance in

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this matter, that no money can be expended in excess of the moneys voted by this House. It is here that the Public Accounts Committee comes into the picture very pertinently. I have before me one of the reports of the Public Accounts Committee—the second report of the Public Accounts Committee on the accounts relating to 1948-49. I am quoting from page 2 where it deals with Defence estimates.

In the Defence estimates that year there was excess of 19½ crores of rupees. This is what the Public Accounts Committee say:

> "The Committee regret that these excesses cannot be regularised at this stage."

The point at that time was that this report was published when our present Constitution was not in operation. The question whether or not any money voted by this House has been exceeded in expenditure is a matter entirely within the purview of the Public Accounts Committee, with the result, that the powers and functions of the Public Accounts Committee are perilously near those of the Estimates Committee.

Here, I would like, with your permission—I hope the House will bear with me for a few seconds—to draw a distinction between the limitations on the powers of the Council of States and the actual powers of the House of the People. Because, I consider that is a very vital and important question of procedure and privilege. It is not a political question. It is not a party question. It is a question concerning the rights and privileges of this House. Under article 113, the Council of States cannot make any recommendation in respect of Demands for Grants. Under article 115, there is no provision for the Council of States to deal with Supplementary, Additional or Excess Grants. Under article 116, Votes on Account are not placed before the Council of States. More than everything else. I hope you in your wisdom will sustain this point, the Council of States cannot regularise any variation from the Grants made or Votes made by this House. With the result that the sum total of the picture of the Public Accounts Committee comes into bold relief when it is remembered that the Public Accounts Committee is vital organ of this House alone and has nothing to do with the other House. I am sure the Leader of the House will not quarrel with me when I make the broad proposition that what the Constitution prevents the Council of States from doing as a whole, as a body, this motion seeks to do in an indirect way, by the association of a certain number of Members of the other House with the elected representatives of this House on the Public Accounts Committee to go through the accounts. I hope this House would examine this point, because I consider this is one of the most important points which has to be remembered in this connection.

There is another aspect to the question. The Cabinet is collectively responsible to this House. That is a constitutional position which cannot be disputed. I am sure that if by any chance the Public Accounts Committee makes an adverse recommendation on the spending proclivities or activities of certain Departments of Government, it would mean virtually a vote of no confidence, a vote of censure on the Government. With the result that the competence of this House is related to the entire constitutional structure in regard to voting of moneys and the spending of moneys. In other words, the Public Accounts Committee is an exclusive organ of this House.

I do not want any suspicion, as a result of the operation of this motion, if it is passed by this House, that the Council of States, through their elected representatives under the provisons of this motion, are influencing a vital Committee of this House in one way or another. In terms of the implications of what I have said so far, there is a distinct possibility, if this motion is acceded to by this House, that the majority opinion of the elected representatives on the Public Accounts Committee is likely to be converted into a minority opinion, as a result of the participation by the Members chosen by the other House. Yesterday, the Prime Minister said—I am quoting from page 16647 of the uncorrected debates:

> "This Public Accounts Committee has nothing to do with, what I might call, the financial powers of this House, which of course, are supreme in that matter."

I am glad he said so. He also said yesterday:

> "....it is open to the other House to appoint a Public Accounts Committee of its own."

With your permission, Sir, I would like to examine this in few seconds. I say that the contention of the Leader of the House is untenable, for the simple reason that if at all a Public Accounts Committee is appointed by the other House, it cannot make any recommendations varying in one way or another the money proposals passed by this House. In other words, if any Public Accounts Committee is appointed or elected by the other House on its own responsibility, it would become infructuous, it would become completely inoperative. The implementation of the recommendations of the Public Accounts Committee is a matter of vital importance. I claim, and I hope the House will not have any objection to this claim, that the other House cannot implement the recommendations, with the results, that it cannot elect a Public Accounts Committee of its own.

I would not labour the point which my hon. friend Mr. Chatterjee developed yesterday about the elected, representative character of the Members of this House, and about the manner of indirect election which is responsible for the creation of the other House. I would like to draw a distinction and clearly enunciate, with your permission, the financial powers of this House. There are four categories of financial powers. Money Bills; in respect of this category of Money Bills, they can only be introduced in the House of the People. The Speaker alone is the sole authority for certifying what a Money Bill is. The Council of States has only 14 days to make any recommendations for varying the provisions of these Money Bills. With the result, and I say this with the greatest amount of respect to the other House because I believe in the Constitution, the other House can only offer subordinate co-operation to the House of the People in respect of Money Bills. I hope this position will not be disputed on either side of the House.

The second category relating to the financial powers of this House are the financial Bills. They cannot be introduced in the Council of States. They can only be introduced in this House first. It must vote on these Bills, with the consequent result that this House does not share its powers with the Council of States on financial Bills. Of course, I am thoroughly aware of the point that the Council has the power to suggest amendments, but in case those amendments to the financial Bills as passed by that House are not agreeable to us, there must be joint session. And I am not here to labour the point as to what will be the result in joint session, as a result of the total number of people present in this House and the total number of people in the other House, and so on and so forth.

The third category deals with Grants. Taxation, expenditure, questions of fraud and so many other questions are involved. Only this House competent to deal with these questions, and these are matters germane to the activities of the Public Accounts Committee.

With your permission, I would make a brief reference to one of the Rules of the procedure of this House dealing with public corporations. I refer to rule 196 (3) (a):

> "It shall be also the duty of the Public Accounts Committee—to examine the statement of accounts showing the income and expenditure of State Corporations. Trading and Manufacturing Schemes and projects together with the balance sheet of statements...."

In other words, in every aspect in regard to these four categories of powers relating to Money Bills, financial Bill. Grants and Votes on Account and State Corporations, the powers of this House are indisputable and above controversy. In all these categories, I venture to say, the proper authority for spending, the proper spending of voted amounts and the condonation or regularisation of excess on Grants—and I made a reference to Rs. 19½ crores in one single report of the Public Accounts Committee of this House with regard to Defence Accounts a few minutes ago—is entirely within the purview of the House of the People, and the Council of States does not come into the picture at all. In other words, if this motion is passed, the inalienable rights of this House will be tampered with, and I make an appeal to the hon. Leader of the House not to be hasty in proceeding with this motion for a division, because we in this first Republican Parliament must lay down adequate safeguards for the protection of our rights, and also procedure which will be enduring in character.

Yesterday, the Prime Minister said: "We should not quote British practice at all". I have no reason to wallow in British practice for my present purpose, but I would like to remind this House and in particular the Leader of the House about the fact that financial provisions in our Constitution are lifted bodily word for word, if I am not mistaken, from the British Parliamentary Act of 1911, with the result that any plea that we should not possibly be enamoured of British practice becomes out of place.

And here, in parenthesis, as a sort of tailpiece, I would like to make a reference to one very interesting point. The Council of States today is given 14 days for making recommendations

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on any Money Bills as passed by this House whereas in the British House of Lords, they have got a full month. Here also the powers, of the Council of States as embodied in our Constitution and the Rules of Procedure of this House are slightly less than what the British House of Lords has.

Then I would like to say that the Estimates Committee and the Public Accounts Committee were formed exclusively to function on behalf of the House of the People. And here I beg the Leader of the House to remember this very important point—to my mind it is the most important of the entire series of points I am trying to make—*viz.*, that the excess Grants can be voted by this House alone, with the result that the association of Members of the other House with Members elected by this House on the Public Accounts Committee would become utterly unconstitutional, for the reason that they cannot be associated with any recommendations as regards regularisation of excess Grants of which I gave you one eloquent example in one year alone amounting to nearly Rs. 19½ crores.

I would like to know from the Leader of the House whether the association of elected representatives from the other House with Members chosen by this House would work within the framework of the Rules of Procedure of this House, especially rules 196 and 197, under the direction of the Speaker of this House. This is a very important point. Supposing one Member of the other House does not subject himself to the discipline of the Speaker or the Chairman of the Public Accounts Committee as nominated by the Speaker, what is the remedy? Will this House go to the other House with a begging bowl and make a request?

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Never.

Dr. Lanka Sundaram: I want you, Sir—because as you were chairman of the Rules Committee, you have gone into this question and come to a decision already—to particularly examine this aspect of the question. Seven Members from the other House are to be associated with 15 of this House. What happens? Who is to control them? The hon. Leader of the House yesterday said that the report of the Public Accounts Committee of the future would, under the provisions of this particular motion—if it is passed—be placed only on the Table of this House. What about the other House? It cannot be placed before the other House, obviously. And secondly, why should any outsider, an outsider other than the chosen representatives of this House, be associated with a Committee to make recommendations? These are points which have got to be looked into.

I would like to know whether there was any prior assurance given on behalf of the Council of State that any chosen representatives under the operation of this motion would be subject to the discipline of the Speaker and the Chairman of the Public Accounts Committee. Without that, this motion cannot be considered.

Shri S. S. More (Sholapur): Will that assurance be valid?

Dr. Lanka Sundaram: I want to know as a matter of fact whether such an assurance was obtained in advance. These are very important issues. I believe these have got to be looked into rather carefully. I would rather the Attorney-General appears here.

Mr. Deputy-Speaker: What happens if there is a joint session? Does not the Speaker preside over the joint session....

Dr. Lanka Sundaram: He does.

Mr. Deputy-Speaker:.....and exercise control over both the Houses? Likewise here.

Dr. Lanka Sundaram: The Speaker would not be the Chairman of the Public Accounts Committee.

Mr. Deputy-Speaker: His nominee.

Dr. Lanka Sundaram: Yes. It is a question of a regular all round examination. You are aware of the activities of the Public Accounts Committee.

Mr. Deputy-Speaker: I am only addressing myself to this question of disciplinary action of control.

Dr. Lanka Sundaram: Firstly, I was saying that the Chairman will have got to go through it day by day without any knowledge of the Speaker, unless a reference is made.

As I said earlier, I would like to know whether any assurance was obtained in advance from the other House that these Members would be subject to the discipline of the Speaker or his nominee. I was saying it is a matter which has got to be looked into rather carefully.

Hon. Members who are going to speak will make other points I am sure. It is for the Attorney-General to come and tell us exactly whether the Constitution, the conventions under the Constitution, and under the Rules of this House and democratic practice are not flouted as a result of the operation of this motion. And if the hon. Leader of the House will bear with me. I would ask for an adjournment of discussion of this motion till the next session, so that all these questions can be looked into and I can give my assurance that I am not indulging in dilatory tactics at all. Nothing will happen if we in this House, with only two days left, do not dispose of this motion. And actually the work of these Committees, the Public Accounts Committee and the Estimates Committee, for which elections are taking place day after tomorrow, will not be an urgent matter till the next session, and I hope he will not reject this suggestion I am making, that further discussion be held over till the next session, and meanwhile all these matters can be gone into.

In any case, I hope that the implications of this motion are experimental in character. In fact, I want a definite time-limit, in case the hon. Leader of the House cannot agree to the suggestion made that we should adjourn to discuss this motion or the operation of this motion till the next session. Let it not be rushed through this House today, and let it be adjourned till the next session so that the Constitutional position can be looked into. I am trying to be helpful and brief. Let him hasten slowly, and more than anything else. I am anxious—he is a great democrat—that he should not muzzle his own Party Members as regards participation in this debate as well as voting on this motion. It is a matter of procedure, of constitutional privilege. (*Interruption*) I am making an appeal to the Leader of your own Party. I said this is a matter of constitutional procedure. It is not politics. There is no party question in it. Every hon. Member should speak on it and a free vote should be taken. Let it be taken as a result of unfettered and unbridled discussion. Let there be full discussion because I am convinced once this matter goes through, there will be further claims on us. We have gone through certain incidents to which I would not make any detailed reference. We also had a Committee which reported on the rights and privileges and emoluments of Members of both the Houses. That report has not been discussed. Once this is allowed to go through I feel there will be further demands.

I ask the Leader of the House to agree to an adjournment of a decision on this motion, so that after having detailed discussion we can examine the matter. In any case, if there is going to be a decision, all hon. Members, especially my friends on the opposite side, should discuss it freely and frankly and vote without any party feeling.

Shri N. C. Chatterjee (Hooghly): All bicameral Constitutions some times present us with this type of difficulty, and it is not in a spirit of hypersensitiveness or exaggerated notions of importance that I am opposing this motion. I have carefully considered this and I am constrained to say that this motion is thoroughly unconstitutional, infringing both the letter and the spirit of the Constitution. The House of the People will be stultifying itself. You should not allow outsiders to intervene in a sphere where the Constitution has said that it is your own exclusive jurisdiction and your exclusive function. It will be improper. I am not enamoured of British precedents. But there the Attorney-General stood the other day and he was lecturing to this House and asking us to follow British precedents. Why? Because he was saying that the relevant articles of the Constitution were based on the British model. You know better than anybody else that this gamut of articles, beginning with articles 109 and 110 and the following articles are based on the British model.

An. Hon. Member: Copied.

Shri N. C. Chatterjee: Yes. They have been copied. The British model makes it clear that the House of Commons in financial matters has a position of absolute supremacy and that cannot be shared by the House of Lords or any member of the House of Lords. It is unthinkable. It is a breach of privilege taking some people other than members of the British House of Commons on the Public Accounts Committee. They will never tolerate it. They will say 'We are stultifying ourselves. It cannot be done'. The whole structure of the parliamentary system as was evolved there is inconsistent with the acceptance of this position, that they are going to have collaborators of members of the House of Lords in financial matters. It cannot be tolerated. Why? Let us test it dispassionately, without any disrespect to the hon. Members of the other House. We say that this Constitution deliberately and consciously assigns certain functions and privileges and duties which we alone can discharge. Now, look at it. What is the Public Accounts Committee going to do? I do not for one moment accept the hon. the Prime Minister's suggestion that it is a mere scrutinising body. It is not so. It is not so under our Rules. First look at rule 196:

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> "There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the Government of India...."

That is the main, dominant function. It is the primary purpose. The House grants moneys for the expenditure of certain departments of the Government of India. Therefore, the particular department gets money from us. They are the custodians of that money, disbursing the money which we have given them. They are accountable to us and the accountability has to be discharged by that department to us or to the Committee which we ought to remember. What else. That is the basic principle which we ought to remember. What does the Constitution do? How do you make this amount available to the Government, sums granted by the House for expenditure? How do you do it—by voting Grants? What do you say in the Constitution? Article 113 (2) says that these Grants shall be voted only by the House of the People and not by the Council of States.

> "So much of the said estimates as relates to other expenditure"—that is, expenditure not charged upon the Consolidated Fund of India—"shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the annual specified therein."

Therefore, the Grants are the exclusive privilege of the House of the People. What functions we give to the Public Accounts Committee? Their legal functions are to see whether the moneys voted by this House whether the Grants sanctioned by this House, have been really applied for the purpose for which the House sanctioned them. That is the real purpose of the Public Accounts Committee. And I submit, with regard to that matter, the House and the House alone has got the right and has got the duty and has got the function to discharge, as it is a matter within the exclusive jurisdiction of the House.

Reference was made and you were pleased to put a question to Dr. Lanka Sundaram about joint sittings of both Houses. If you look at article 108 which talks of joint sittings of both Houses, there is a proviso: 'That nothing in this clause shall apply to a money Bill'. They have expressly said that with regard to Money Bills. Joint sittngs are excluded. Why? Because it is our function. Look at article 108 (1)—when you can have a joint sitting. (1) When a Bill is rejected by the other House and (2) when the Houses have finally disagreed as to the amendments to be made in the Bill. With regard to a Money Bill, can it be rejected by the other House.

An Hon. Member: No.

Shri N. C. Chatterjee: No, the Council of States cannot. Under our Constitution a Money Bill can originate only in the House of the People. The Council of States has no power to reject or amend any Money Bill. It is expressly provided. So far as Money Bills are concerned, the Council of States can only make recommendations. And you know the recommendations can be accepted by the House or may not be accepted by the House. Therefore, this is the sole prerogative of this House. There is no question of any disagreement. They cannot amend it. Even with regard to the Appropriation Bill, you know they cannot alter the destination. They cannot amend it. You know the Appropriation Bill really crystallises the Grants as sanctioned by this House. Even there you know the language is perfectly clear. They cannot alter the destination of any Grant so made. They cannot vary the amount. Therefore, what is their power? Their power really, to be candid, is nil. They can only make recommendations and it is for this House accept or not to accept.

What is the Public Accounts Committee going to do? The Public Accounts Committee is going to see whether the Grants that have been sanctioned by this House, the money that has been provided to certain departments by the vote of this House, have been properly applied for the purposes for which we have sanctioned them. In that matter there is no scope for the collaboration of outsiders, however eminent they may be, however well-intentioned they may be. Is there any scope for their co-operation? Are you not setting a dangerous precedent? Are you not saying this: A has got the money. He has made, say, an assignment of a crore of rupees to X and says: 'X, you render account to me'. X is rendering account to A. But then Y comes in and says. 'No, we will also share the accountability; the custodian of the money, the trustee of the money or the donee of the money must also account to me'.

On principle this is not correct. It is not that the House of Commons brought about this convention out of any spirit of self-importance, but it is the cardinal principle on which parliamentary democracy, constituted as it is, should function. We have been elected on the basis of adult suffrage. This is the democratically constituted Chamber and, therefore, consciously, deliberately the Constitution-makers have given us this power and this function. Therefore, in financial matters we have got the exclusive power and we have got the exclusive jurisdiction. Every Committee of ours should be functioning as a Committee of this House composed of Members of the House. A Joint Committee, as I have told you, cannot function. There is no scope for invocation of a Joint Committee. You cannot say that there will be any question of disagreement. There is no scope for it. They cannot amend. The article is perfectly clear.

In order to make the position clear, Article 109(1) says that a Money Bill shall not be introduced in the Council of States. The Constitution says that a Money Bill is to originate only in this House and secondly, it says that they can make some recommendations within a period of 14 days. If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both the Hóuses with the amendments recommended by the Council of States. If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council. This is a clear recognition of the supreme sovereign power of this House of the People in financial matters. This House will be stultifying itself by doing something against the Constitution, by allowing others to interfere in a sphere exclusively its own. You know, as I have told you, the Appropriation Bill stands on the same footing. They cannot vary, they cannot amend, they cannot alter the destination of any Grant, they cannot even reduce it by one rupee. Therefore, you cannot give power to a part of the Council which does not belong to the whole Council. The cardinal principle of law which determines the operation of such a Constitution is that you cannot indirectly do a thing which you cannot directly do. You cannot indirectly confer upon the Council of States this power; you are conferring upon a Committee of that Council power to do a thing which the whole Council cannot do. That is improper; that is not right.

What is the original thing? The original thing is the voting. The original thing is really the Grant. That is entirely and exclusively our function and our business. Therefore, I am submitting that the Public Accounts Committee, when they are going to scrutinise and to see whether the grants have been properly applied or not for the purposes for which this House sanctioned them, or this House intended them to be used, they are really discharging our functions. Really, it is the House of the People that is functioning through the Committee and there should be no question of outside collaboration or co-operation. I know that as the rule stands, there is no question of any co-operation or any participation by the Members of the Council of States. You must amend the rules first before you can do anything. But, I am not merely on the technical question of amending the rules. I am stressing a more fundamental point, that you should not allow any other functionary or any other body to trespass upon a subject which is exclusively within your sole jurisdiction according to the Constitution.

The Prime Minister was good enough to say what will happen if the other House sets up a Committee. Let them appoint, not one Committee but 15 Committees. What can they do? They cannot do anything; they cannot touch one pie; they cannot add one rupee, cannot subtract one anna from our votes. They cannot do anything; they cannot also touch the Appropriation Bill; they can please themselves by appointing Committees.

But, in this matter, we are fortunately or unfortunately a sovereign body. They have got no power to touch it; they cannot touch the Money Bills; they cannot touch the Votes; they cannot touch the Grants; they cannot touch the Appropriation Bill; they cannot divert it; they cannot alter it; they cannot reduce it; they cannot in any way divert it. They can please themselves by appointing committees. But, effectively, so long as this Constitution stands, their reports will be printed for their own consumption; they cannot be operative at all; constitutionally or legally; nor can they have any effective influence over the House of the People. They cannot make any recommendations; that is the most important thing.

What I am submitting is: it will therefore not be right to say that when people are scrutinising, why not allow

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the elder statesmen to scrutinise it? We have got respect for elder statesmen; we know how they behave and how they have behaved. People tell me that we are all brothers at law. I hope we shall function like that. (*Interruption*). But, we still say that they are sometimes younger, sometimes—because they are impulsive. But, anyhow, I will not cast any aspersions. I have great respect for some of them, but I say it will not be right to say, they are only scrutinising and why not you allow 15 of your Members plus seven of theirs to scrutinise. I say it is not so simple. It is infringing the spirit and the letter of the Constitution.

In the House of Commons a very important debate arose when some matter pertaining exclusively to the jurisdiction of the House of Commons came up before the House of Lords and they said that it was a breach of privilege, doing something against established convention. Is this a convention which would be healthy? I submit, not. It may be the thin end of the wedge; it may lead to other complications, other demands. To day, it is the Public Accounts Committee, tomorrow it may be the Estimates Committee. We have had their co-operation; we do not want to have misunderstanding. We do say that it will not be simplified by simply saying, it is only a scrutinising Committee and let them come in.

The main test is this; they have to see whether the Grant has been properly applied. Whose Grant? The House of the People's Grant. Sanctioned by whom? By the House of the People. Has it been applied properly for the purposes for which it was sanctioned? Sanctioned by whom? By the House of the People, and by nobody else. I submit that really it would not be proper to allow interference by them, however eminent they may be. Really the Constitution did not think of collaboration in this sphere. Otherwise, why should there be this clause in this article with regard to joint sitting, that it shall not apply to finance Bills? This clause is there just to indicate that it is a conscious imitation of the British practice and there shall be no question of any joint sitting so far as Money Bill or finance is concerned. If you cannot have any joint sitting there, why should you have a joint sitting in miniature form? I submit really the Council of States has no *locus standi* under the Constitution. I am not thinking of individual Members, I am thinking of the Council as such. They are a body which is perpetual; they cannot be dissolved; there is no general election at the end of five years or any other period. They go out from time to time in compartments. But, our position is entirely different.

I submit that it is also important to remember a point which my hon. friend Dr. Lanka Sundaram has made, the political aspect of it; and the political aspect has some importance. Now, supposing the Public Accounts Committee finds that one Minister or one particular Minister's Department is guilty of misappropriation of public funds and it censures the Government or makes some remarks that amount to a censure of the Government, who can censure the Government? Only this House. Would you allow any other person not belonging to this House, to censure the Government and turn out the Government and pass a vote of censure or pass a recommendation which amounts to something like a censure? I submit that such a recommendation could only come from a body which is constitutionally clothed with the power, namely, the House of the People, and no other. Therefore, I could understand a suggestion that they should come there only for the purpose of sitting or watching and not voting because they cannot vote. How are you going to give equal opportunities to them? (*Interruption*). You are really giving them powers which the Constitution has deliberately denied them, has consciously taken away from them and has said shall not be given to them. Therefore, I submit that it will not be right, fair or constitutional and it will be creating an unhealthy precedent which will be a dangerous precedent and it should not be tolerated in any shape or form by this House.

Shri S. S. More: I frankly concede that this particular motion owes its birth to the generosity of the Leader of the House. If we study the history of the countries where two chambers have been brought into existence, we frequently come across the spectacle of the two chambers fighting like Kilkenny cats for getting some domination over the administration of the country. When such disputes develop, when animosities are created and they fight, someone has to reconcile the two conflicting interests and the same experience is being repeated here.

The other day the Council of States people were very particular about their own privileges. They entered into a sort of open fight with this House and passed a resolution calling upon the Minister concerned not to remain present in this House when a particular matter was being discussed. I fear that these two chambers have come into existence...

Shri Thanu Pillai (Tirunelveli): On a point of order, Sir. Can he refer to a dispute which was closed long before?

Mr. Deputy-Speaker: There is no point of order in this.

Shri S. S. More: The two Houses have come into existence only a year or so back and within a very short period of our constitutional existence, a sort of bitterness, a sort of rivalry, is already prevailing between the two Houses. So, what is the position of this House of the People? This question will have to be viewed, not from a generous point of view, not from a benevolent attitude of reconciling the two conflicting interests, but from a constitutional point of view.

We have framed a written Constitution. What is the constitutional position? What are the rights and privileges of the House of the People and what are the limits of the rights and powers of the Council of States? That is the question which will have to be dispassinonately and thoroughly gone into.

The previous speaker, has already referred to some of the relevant provisions of the Constitution. Article 109 *et seq* refer to the financial powers of this House. As far as financial matters are concerned, the Council of States have been given very little say in the matter. I will refer you in particular to article 109. A Money Bill shall not be introduced in the Council of States. However, they have been given some power to make recommendations, but it is not obligatory on this House to accept those recommendations and this House is perfectly competent to reject those recommendations.

Then, a sort of legal fiction has been created in clause (4) of article 109. It reads:

> "If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States."

So this particular article does not give any freedom to the Council of States to say: "Well, it was the House of the People which was responsible for passing this Money Bill; we rejected it." No. By this particular clause we created a legal fiction that even when the House of the People does not accept any of the recommendations of the Council of States, the Money Bill will be considered to have been passed by "both Houses".

Why all these precautions? Why all this fencing of the powers of the Council of States? To find this we must go to the composition of the two Houses. The Council of States is supposed to be representative of the different States, while we are supposed to be representatives of the people.

Shri S. V. Ramaswami (Salem): Not supposed to be: we are.

Shri S. S. More: I accept that correction. As a matter of fact I was speaking with great caution, so as to make my arguments acceptable to the other side. If they are prepared to go to that extent, I am prepared to accept the correction.

Clause (4) of article 80 says:

> "(4) The representatives of each State specified in Part A or Part B of the First Schedule.... shall be elected by the elected members of the Legislative Assembly of the State etc."

While article 81 says that we are directly elected by the people. If the people are to be taxed, when a thing is to be done with their money, then, it is the direct representatives of the people who should have the sole sovereign power. In order to realise the significance of this in its reality, we have to go to the parliamentary history of England.

The King was there. But the House of Commons developed as an instrument of the people's will. It started a long and bloody fight, I might say, with the King and the House of Lords. The House of Commons as the real representative of the common people wanted to have the sole power as to how people would be taxed and how their money would be spent in the administration of the country. The House of Commons became the watch-dog of the interests of the people and the Parliamentary Act of 1911 —which has been quoted by the previous speaker—terminated one of the fiercest chapters in the parliamentary history of England. It decided once and for all that as far as the finances of the country are concerned, the House of Lords would have nothing to say and that they will not have any finger in the pie of public finance. That was the final reply of the House of Commons.

We have accepted these provisions. As my hon. friends Dr. Lanka Sundaram and Mr. Chatterjee have pointed out, we have bodily lifted

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these provisions from the Parliamentary Act of 1911 and incorporated them in the Constitution. When we incorporated these in the Constitution, we have in a way accepted the past history which was responsible for bringing the Parliamentary Act of 1911 into existence. If that is accepted, the real representatives of the people who have been returned to this House must have the exclusive, undiluted power in financial matters.

The Council of States as far as financial matters are concerned, have been given a power of discussion, but they have no power of voting. Rule 158 of the Rules of Procedure of the Council of States says:

> "On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council."

The House of Commons was very careful to see that public money was not misspent and so brought into existence an audit department. But the audit department was run by civil servants. The Parliament, that is the House of Commons, had no direct control over the audit department. They wanted a second string to their bow. They wanted each audit report should be scrutinised by a body of popular representatives. Thus the Public Accounts Committee came into existence.

I need not go into past history. It is enough if I say that it was Gladstone who devised the system of scrutiny by Public Accounts Committee. The House will permit me to read an extract from a book which clearly indicates the powers and functions of the Public Accounts Committee. I am reading from page 165 of *The Pageant of Parliament* by Michael MacDonagh.

> "The Chief duty of the Comptroller and Auditor-General is to take care that nothing is paid out of the National Exchequer except under proper authority. He also examines the vouchers and audits the accounts of the expenditure of each Department and reports upon them annually to Parliament in three big volumes of figures and comment, dealing separately with the Army, the Navy, and the Civil Service. Lest this supervision of the Exchequer and Audit Department over expenditure should not be sufficient, the House of Commons appoints every session a Public Accounts Committee composed of members of business experience whose duty it is, so to speak, to give moral support to the audit of the auditor."

So, it is the sole responsibility of this House to see how these amounts are being utilised and whether they are wasted or needlessly spent:

> "If the Comptroller and Auditor-General has a complaint to make of any abuses or irregularity in the accounts of any Department, he makes it to the Public Accounts Committee, and they, in turn, call the attention of the House of Commons to it."

So, it is a sort of intermediary between the House itself and the Auditor-General. If the Auditor-General has any complaints, he has to make them through the agency of this Committee:

> "Moreover, the Committee passes in review the annual volumes of the Comptroller and Auditor-General called 'Appropriation Accounts', containing the accounts which are supplied to him by each of the Departments, showing what it has done with the money voted for its services, and his own comments upon these accounts, and they disallow any expenditure which the supervision shows to have been unlawfully or unduly made. The reports of the Commitee to the House of Commons are noted for independence of view and criticism uninfluenced by party considerations. It is a sort of watch-dog of the Departments, which, by its insistent and minatory barks, draws public attention to any irregularity or extravagance in expenditure. Thus, the Public Accounts Committee helps to maintain parliamentary control over expenditure to the extent, at least of seeing that the Departments fulfil their statutory obligation to expend the moneys voted to them strictly in conformity with the resolutions of Parliament."

The examination of public expenditure and the appropriation of moneys voted by Parliament is the exclusive responsibility of this House and the Public Accounts Committee is the instrument or agent of this House which can go into the actual appropriation of the voted amounts.

I would now like to refer to Rule 197. Under this rule, the Speaker has complete control over the Public Accounts Committee, and if we now associate these seven Council of States Members, possibly tomorrow a demand may be made by the Council of States that along with the Speaker the Chairman of the Council of States also may have some control. There is also another aspect to this question, Rule 197(9) says:

> "The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the House. Such reports shall be treated as confidential until presented to the House."

Now, if the reports of the Public Accounts Committee are to remain confidential for all intents and purposes and if some other Members who are not Members of this House are associated with this Committee, the reports will naturally cease to be confidential. Therefore, taking all these factors into consideration, I submit that we must be firm in this matter. It is not a question of taking some Members from the other House. It is not a question of generosity. It is not a question of sitting round a table and governing the country. The Constitution is there and we must strictly observe the rules. Not only should we respect the letter of the Constitution but its spirit also.

There is another point in regard to which I require some clarification. The motion says that these seven Members will be 'associated'. Does it mean that they will merely sit in the Committee and partake in the deliberations, but would not have the right to vote? That is not clear. In regard to the Delimitation Act, certain local committees have been brought into existence and there you have provision for associate members. They have no vote; they can only participate and make suggestions. Now, what will be the position of these associate Members in the Public Accounts Committee? Are they there wholly for tendering their advice, or are they going to give their votes also? This position has to be cleared up.

Looking to the particular purpose for which the House of the People has been given sovereign powers over the finances of the country and looking to the parliamentary history of the House of Commons from which these provisions have been bodily lifted, I feel that if we pass this motion we would be doing a great disservice to the country. Personally, I feel that the Council of States has no reason to exist. Mahatma Gandhi, when speaking before the Federal Structure Committee at the time he attended the Round Table Conference, said that there should be no second chamber in our country, as it would imply a distrust of the masses. As with other principles of Mahatma Gandhi, this principle also has been ignored and a second chamber has been created. It shows a distrust of these 500 representatives of the people who have been directly returned by the people and implies that they are not faithfully representing the interests of the people. We have created a body which has no reason to exist in modern conditions. Assuming for a moment that it must exist for some time, and must continue for some time, I say that if we allow them to share power with us, we would be going against the letter and spirit of the Constitution and would be doing a great disservice to the country.

Shri Joachim Alva (Kanara) *rose*—

Mr. Deputy-Speaker: He will have his chance. Mr. Raghavachari.

Shri Joachim Alva: Before the debate proceeds further, I would like to ask the Chair two questions:

(1) Is it open to the Speaker to nominate members from the Council of States to this Committee?

(2) If the Chairman be nominated, whether he will have a casting vote?

I merely want clarification.

Shri Raghavachari (Penukonda): I rise to protest against the motion. I do not wish to elaborate or repeat the arguments advanced already by previous speakers. However much Government or other interested people might try to argue differenly, the Constitution definitely lays the entire responsibility on this House for scrutinising the expenditure and appropriation of public money; it is, in fact, a duty cast on this House. Reference was made to rule 196. Article 118(1) requires rules to be framed for the conduct of business of this House and these rules have been framed in accordance with the Constitution. Rule 196 says that this Committee has the exclusive privilege and right of examining the public accounts. It further proceeds to say that the examination shall be done by a committee elected from amongst Members of this House by this House. Therefore, this motion attempts to go contrary to the Constitution; not only the Constitution but also the statutory rules framed under it. It will go, not

[Shri Raghavachari]

in one but in many respects, contrary to them. If you read this rule 196 and the next rule you will find that it is possible that the functions and the responsibilities vested in this Committee may be asked to be discharged by a smaller Committee which has all the powers of the undivided committee. And the quorum also is fixed as four. Therefore, if the other Members come in, any four of them can sit (*An Hon. Member*: Swamp the Committee.) and then the proceedings will be as if they were the proceedings of the entire Committee.

Other friends have already stressed the point that that House is not a House directly elected. And for aught I know in the space of a few more years the Upper House will be entirely the House of the ruling party. Because whenever a vacancy occurs by this rotation it is only Congress Members that can get in, and it will become a packed House. And the elected representatives, in whom the Constitution specially and specifically lays the responsibility, will be exposed to the risk of countenancing the discharge of that duty by other people.

In fact even this motion does not say what is the kind of powers those people should have. It says "to nominate. . .and associate with the Members of this Committee". The rules require that the Committee must be elected by the House. Where has nomination a place there? And Members of the other House? Because they must be Members of this House only.

It is unnecessary to elaborate on this. It is enough to state the point that the proposed motion would simply go contrary to and be not at all in conformity with the existing rules which are statutorily framed.

Another point I wish to stress is that the Leader of the House, I expect, is bound to protect the rights and privileges of this House. Rather than doing that he is possibly actuated by the consideration that there is some other body which is anxious to come here and says "let us make a compromise". Well, compromise is very good when disputes need not be settled in conformity with the statutes and the statutory law. The best intention of bringing about a compromise when any claim is made is not to concede a portion of the claim, even when it comes almost to not dealing with it according to law. Therefore, my submission is that this vague motion, without definiteness as to what the functions or the rights of these new associate Members will be, and not in conformity with but contradictory to the rules and the Constitution, is not permissible.

The next point I wish to state is this. This is not a new matter. It has been agitating for the last many months. The Prime Minister in his remarks while moving this motion said that he had written eight months ago to the Speaker, and gave some details. We know that this very Committee considered this matter elaborately when the other House sent up some proposals of amendments of the rules, and the Committee unanimously resolved that it is not in conformity with the Constitution and should not be permitted. Then the matter was referred to the Rules Committee. That Committee also unanimously resolved that it should not be done. After the Public Accounts Committee and the Rules Committee and all the functionaries actually exercising the powers under the Constitution have all resolved unanimously that it should not be permitted, this motion comes. I should have expected the Prime Minister at least to have had some courtesy of consulting various Party Leaders. But in the face of so much history that it is against the Constitution, against the rules, and against the unanimous opinions of the Committees set up, he has suddenly come with a motion of this kind because he is actuated by very good motives of compromise.

To my mind, therefore, these are all matters which are very relevant to be considered in this connection and it is not a matter where we should be guided simply to bring about a kind of compromise between this House and the people of the other House that are agitating to have some power by way of association. Therefore, I would oppose this motion.

Shri H. N. Mukerjee (Calcutta North-East): It is not often that we find ourselves in agreement with the Government Party. But when we do, we do not hesitate to say so. As we are not wedded to constitutional pedantry, we do not consider that it is the business of the Opposition to oppose every single time, whatever the point of view may be.

The Minister of Home Affairs and States (Dr. Katju): Go ahead.

Shri H. N. Mukerjee: There is laughter in certain sections of the House, but we have survived so many other shafts of attack from all sides and I suppose if laughter is, sort of, directed against us we can very well survive it.

An Hon. Member: Dr. Katju is appreciating it.

Shri H. N. Mukerjee: I must say also we have certain minor misgivings regarding the motion. I shall refer to them a little later. But by and large we support the motion, and even though that might mean that we have to state our difference from certain other sections of the Opposition I am afraid we have no other alternative than to do so.

I should say that we are as jealous of the rights and prerogatives of this House as anybody else. But at the same time I should say that we must not overdo this business of standing on the rights of this House and behaving in a fashion which might in effect mean something which we do not wish to do. That is why I say that the British tradition of struggle and conflicts between the two Houses is, for obvious historical reasons, not a tradition which we have got in this country and certain precedents which are drawn from British Parliamentary history do not always apply, at least they are not really validly relevant, to the conditions of our own country.

I say, of course, that the House of the People being directly elected by the votes of our people is far and away the most important constituent as far as Parliament is concerned. But Parliament is defined in the Constitution. In Parliament we figure most prominently. There is no getting away from it, and if anybody should try to whittle down the paramount position of the House of the People in the scheme of Parliament surely we should oppose it. But in Parliament there is also the other House, whether we like it or not it is there; and there is also the President. And the three together constitute Parliament. It should be our objective, if we are at all interested in running the country as best as we can, to bring about a harmonious relationship between ourselves and the other House. I know also...

Shri Gidwani (Thana): What is the programme of the Communist Party regarding second chambers? Are they in favour of maintaining second chambers?

An Hon. Member: Very good.

Shri H. N. Mukerjee: My hon. friend tries to anticipate my arguments. I suppose he has made some study of Communist ideology and he ought to know the way we think generally of second chambers, not being dogmatic, not being wedded to certain conceptions that are static and unchanging. We do not say that second chambers are to be discarded in all places. As far as this particular Constitution is concerned only yesterday I had to say in reply to Dr. Katju that we are not head over heels in love with the Constitution and that if we had our way we would drastically overhaul it beyond recognition, and we would do it in a really democratic fashion. So far as this particular Constitution is concerned, everybody knows, I expect, what we think of it. Everybody ought to know. My friend Dr. Gidwani ought to know what we think of this present Constitution. And in that setting of it we have certain bodies like ourselves and the Council of States. What are we saying? That there is Parliament constituted by ourselves, the Council of States and the President. We are the most important single constituent in the scheme of things. We have our rights and privileges and prerogatives which we are not going to allow to be whittled down. But we are not going to overdo this game. We should not, particularly in the present posture of affairs, try to create a situation between the two Houses where instead of cordiality there is a sort of hostility.

I do not wish to add to a feeling of bitterness which I find has already come into existence between the two Houses. I do not like the Constitution. We are made to function under this Constitution but if we are to function at all, let us do something which is going to bring some good to this country. If I had my way and if the present Constitution had to be changed, I would do it. I do not want the second chamber to remain as a mere decoration, much too expensive a decoration. If we make up our mind about it, we can abolish the Upper House. We may sit down here, change the Constitution and we can abolish the Upper House altogether but if the other House is there, surely it has a right to say that it ought to be given opportunities for constructive work within the ambit of the Constitution.

As far as association of the other House in the Public Accounts Committee is concerned, that is an additional opportunity for work by Members of the other House within the ambit of the Constitution. If we find that that does not militate against our essential rights and privileges and prerogatives, I see no reason why we should oppose the motion in as vehement and wholehearted a fashion as I have noticed so far.

I have heard *ad nauseam* statements made by constitutional pundits in this

[Shri H. N. Mukerjee]

House regarding what Money Bills are and about complete control over Money Bills. Everybody knows it. There is no good repeating that sort of thing but at the same time we cannot forget that the Council of States under our present Constitution has a particular position. If we compare the position of the Council of States at the Centre with the second chambers in the States, wherever they are, we find that the Council of States has got a very special position. For example, in regard to legislation, the Council of States can bring about a state of things where a joint sitting of both the Houses is contemplated under the Constitution. The second chambers in the States cannot bring about a joint sitting of these Houses. The reason for it is, as was amply shown during the debates in the Constituent Assembly, that we have a federal structure. We have at least a quasi-federal structure. If the emphasis is more on the unitary aspect of our administration, still it is something of a federal structure. In a federal structure, you do need some sort of a second chamber. If we had our way, we would have linguistic provinces all over the place and we would have a second chamber which would be a House of Nationalities. We would try to reshape the entire scheme which you have got today. We cannot get it today but you have got a very weak, a very remote, almost unrecognisable approximation to that sort of thing. For the time being here is a body which has got a place accorded to it by the Constitution whose Members want participation in the activities of this country's administration and here is an opportunity where they might very well fit in.

The Constitution says that when the Comptroller and Auditor-General makes a report, that report has to be placed before both Houses of Parliament. The President has got to place the report, before both Houses of Parliament and as the Prime Minister said yesterday, there is nothing to prevent the other House from appointing its own Public Accounts Committee. What exactly is the function of the Public Accounts Committee? Does the Public Accounts Committee enable Members thereof to control the financial allocation of funds? Of course, it does not. As a body of Parliament, the Council passes the Appropriation Act. We, of course pass those Grants. The Council of States does not pass the Grants. After the Grants are passed, they are incorporated in the Bill and the Finance Minister goes across to the other House and there he places the Appropriation Bill and it has got to be passsed in that body. It has got a special position and that body also has a right to have placed on its Table the report of the Comptroller and Auditor-General. That body has certainly a right to examine the way in which moneys appropriated have been spent. It is a *post mortem* examination, how much money has already been spent and to find out whether Government administration has been conducted properly or not. It is very necessary that our people get greater opportunities of seeing how the administration is actually conducted. If the maladministration is exposed, as it occasionally is in the report of the Comptroller and Auditor-General, it should certainly be open to discussion, it should certainly be open to examination by Members of the Council of States and that is exactly what we want to do. The Council of States obviously wants a greater share in the business of Parliament. The Council of States obviously desires—especially today, psychologically speaking, it has a very strong desire, for reasons that I need not go into—that it should have greater opportunities. One example of this is participation in the work of the Public Accounts Committee. So I would say if we do not want the Council of States, let us abolish it by all means. It is much too expensive. If we want to function effectively and rightfully within the ambit of the Constitution, then surely we should have the association of the Council of States in the Public Accounts Committee.

Now, I come to the last point, the misgivings to which I made a reference earlier. I do not know why the Leader of the House did not think fit to take all sections of the House into his confidence by having some discussion with them. I really cannot understand why Members of the Opposition are suddenly given notice that a certain motion will be moved by the Prime Minister and almost without any opportunity for preparation, we are confronted with a motion of this sort. I should think that the Leader of the House should have thought fit to have taken the different sections of the House, especially the Opposition, into his confidence before this motion was brought up.

I would say also that certain difficulties have been pointed out, difficulties in regard to the operation of the rules, difficulties in regard to the exact connotation of the word 'association' and that sort of thing. These difficulties are of such a nature that possibly it might be thought desirable to postpone decision on this issue till perhaps the next session. The points which have been raised have really a certain amount of technical relevancy and they might cause all sorts of complications which certainly we want to avoid. I think, on the whole, as things stand, in spite of our attitude towards the Constitution, it is quite desirable that the association of the Council of States should be there in the Public Accounts Committee but since there are certain technical questions involved and since different groups in the House had not been consulted, I submit perhaps it would be more advisable and wiser for Government to postpone forcing a decision here and now. Otherwise, by and large, I support this motion and I hope as far as our attitude towards the Constitution generally is concerned, we have made it clear over and over again. As far as our attitude towards the second chambers is concerned, that is also very clear. As I said before we want a House of Nationalities but we have not got linguistic States all over the place. It is by no means satisfactory but as long as it is there, let it be given opportunities for work. I hope the Prime Minister will at least consider the points of view which have been raised here and the difficulties and complications which are likely to arise if a decision is forced at a very rapid pace. That is why I suggest that the decision on this might perhaps be postponed.

Shri Raghuramaiah (Tenali): On a point of information, I want to know whether opportunities will be given to Members on this side of the House to express their views on this very important motion? May I know when we can catch your eye.

Mr. Deputy-Speaker: I have no objection. I did not find any hon. Member expressing a desire to speak.

Shri Raghuramaiah: Mr. Gandhi and myself......

Mr. Deputy-Speaker: Hon. Members can certainly catch my eye. After Mr. Jaipal Singh has finished, I will try to give an opportunity to Members who want to speak.

Shri Thanu Pillai: Members on the other side have been able to catch your eye.

Mr. Deputy-Speaker: Hon. Members need not cast any aspersion.

Shri Thanu Pillai: I did not cast any aspersion. What I meant was that it so happened that only Members on the other side were able to speak.

Mr. Deputy-Speaker: It is very very wrong. I did not find any hon. Member who expressed a desire to speak. I know the hon. Member raised a point of order. Barring that he did not catch my eye. I have no objection to sit and if the House so desires, we will go on having this debate from day-to-day. Let there not be an aspersion that the Chair did not call any hon. Member to speak. I am prepared to call every hon. Member in this House who wants to speak. It is for the hon. Members to rise from their seats and indicate their desire to speak.

Shri Gidwani: Is it a fact that Government have decided to postpone consideration of this motion?

Mr. Deputy-Speaker: I do not know.

Shri Jaipal Singh: I have hardly any contribution to make by way of either support or opposition to this motion. *Prima facie*, I am bound to oppose this motion because our colleagues in this House in the Public Accounts Committee and also in a congress of the various leaders in this House have already unanimously condemned the suggestion that any Members from the other House should be associated in the Public Accounts Committee. *Prima facie*, the matter ends there, as far as I am concerned.

I think it would help our discussions considerably if the Mover of this motion were to tell us quite clearly whether in the matter of the condonation of excess expenditure, the Members of the Public Accounts Committee would be in a position to condone the excess expenditure. Then, the whole situation changes. Then, I have no doubt whatever that even the friends of the Mover of this motion would support us in throwing out this motion.

I am afraid I am not a constitutional pundit. But, all the same, it is very interesting to listen to the jargon that is produced for and against the constitutional aspect of this motion. I feel that we have been thinking too much in what has been said so far of the prospective aspect of the Money Bill, whereas the work of the Public Accounts Committee is a matter of the past. The money has already been spent. It is not a question of how the money should be spent hereafter. It has already been spent. There is no question of voting money, no question of increasing

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it or decreasing it. Therefore, I again come back to my point that the Mover of this motion ought to make it clear—otherwise, we will be going round and round the mulberry tree—whether by this motion he would like to empower the Members of the other House with authority to condone excess expenditure. That is a very very vital point with regard to this motion.

As I said earlier, I do not want to prolong anything that I have to say. *Prima facie* I am opposed to this motion. But, I do not see why we should be so touchy about our own rights and privileges and not avail ourselves of the talent that is in the other House, if it does not in any way intrude upon our authority in regard to the Money Bill aspect of the whole question. (*An Hon. Member*: It does.) If I understand the work of the Public Accounts Committee, they may scrutinise—scrutinise what—whether the money that has been voted by this House—and only this House can vote—has been properly spent. The Public Accounts Committee may condemn the manner in which money may have been spent. It does never at any stage say, all right, give more money. I would urge upon the Mover of this motion to make it clear as to what exactly he means by the wording"association of the Members of the other House with means by the wording "association of with the formation of the Public Accounts Committee, because that clinches the whole situation. If they have full Membership, if they have the right to vote, I have no doubt whatever in my mind that this motion should be thrown out lock stock and barrel.

Shri V. B. Gandhi (Bombay City—North): Mr. Deputy Chairman,....

Dr. Lanka Sundaram: Go to the other place.

An Hon. Member: Influence of the other House.

Shri Gadgil (Poona Central): Shadow of coming events.

Shri V. B. Gandhi: I beg your pardon, Sir. Mr. Deputy-Speaker, some of us on this side of the House must confess to an impression that the discussion so far from the other side has had an air of unreality. (*Some Hon. Members*: Oh!) We had expected some really brilliant effort on the part of the Opposition to make out their case. However, let us come to the subject before us.

Yesterday, in his speech, the Prime Minister has, in one expressive sentence, put the whole subject matter of this discussion in its proper perspective. That sentence is this. The Prime Minister said:

> "This House and our Constitution are also without precedent."

So, this House and our Constitution are without precedent. Then, if we must consider this proposition, we must consider it either in terms of precedents or in terms of the provisions of our Constitution. So far, most of the speakers from the other side have been carrying at the back of their mind, whenever they think of the Council of States or for that matter, any second chamber, the British experience in this respect. I bet none of them can speak on this subject without constant reference to the British experience, to the House of Lords. We have heard Mr. Chatterjee. Even he could not escape or could not avoid making reference to the British House of Lords. Why? Somehow or other, their whole background is filled with British experience. When we are thinking of the Council of States, is it fair and just that it should be compared with the House of Lords? After all, we know that the House of Lords is a hereditary House. It is also the product of circumstances connected with centuries of British history. If we must compare our Council of States with any of the second chambers, then we must at least be fair and just in our comparison, to choose such second chambers which are the products of the provisions of the Constitution of those countries, and also which are connected with federal form of Government. These two characteristics should be there in any comparison of our Council of States with any second chamber of any other country. It is a kind of mode or habit of thinking that a second chamber means the House of Lords and since the House of Lords, in its powers, is a futile body, our Council of States or any other second chamber must necessarily be so and if it is not so, it must be reduced to that state. That is a kind of argument with which I am sure most of us on this side are not prepared to agree.

Are all second chambers necessarily impotent or futile? We know—and I know most Members on all sides of this House will agree—that at least there is one second chamber, and that is the Senate of the United States, which has powers disproportionate to anything that the lower House, the House of Representatives of the United States Congress, has. Just to refresh the memories of my hon. friends, I would read the functions of two of the many committees through which the United States Senate functions. Here is a committee called the Committee on Expenditure in the Executive Departments. And among the functions of this Committee are these:

> "(A) Budget and accounting measures, other than appropriations.
>
> (2) Such committee shall have the duty of—
>
> (A) receiving and examining reports of the Controller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

Then:

> (B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
>
> (D) studying intergovernmental relationships between the United States and the States and municipalities...."

There is another committee called the Committee on Finance. Let us remember we are talking about the second chamber of the United States. This committee has, among other functions, the following:

1. Revenue measures generally.
2. The bonded debt of the United States.
3. Customs, collection districts, and ports of entry and delivery.
4. Reciprocal trade agreements.
5. Tariffs and import quotas, and matters related thereto.

So, I would only suggest that whenever we think of a second chamber, it is not right that we should always think of the British House of Lords. There are second chambers and second chambers with powers varying from the powers that the United States Senate has to the other extreme point of what the House of Lords has or does not have.

Next comes the functions of the Public Accounts Committee. Much has been said in all the speeches we have heard this afternoon about the precious prerogative of this House to deal with money matters. Where do money matters at all come within the functions of the Public Accounts Committee? After all, as the Prime Minister has said, and with which we all of us agree, the function of the Public Accounts Committee is to scrutinise the accounts. It is a *post facto* scrutiny. If we really want to determine whether or not the Public Accounts Committee has to do with the handling of money matters, we should ask ourselves just two questions. And those two questions are: can the Public Accounts Committee raise revenues? Let us answer that question. Can the Public Accounts Committee spend money? That is the second question. And let us answer that question also. The answer is, it cannot.

Mr. Chatterjee yesterday said something about there being no taxation without representation, and Mr. Chatterjee was trying to imply thereby that our Council of States lacked any authority to be there on the ground of representation. After all, we must concede that here, under our present Constitution, we have a federal form of Government. And under a federal form of Government, it is not enough to have just one kind of representation, but we have to have two kinds of representation. Representation according to the population of the country—that is one kind of representation. And the other kind is representation according to the States. And I am quite sure Mr. Chatterjee knows that our Council of States Members have been elected in accordance with the system of proportional representation by means of the single transferable vote—a form of representation which under certain circumstances is to be preferred to the regular election by direct vote of the voters. It is, therefore, not very charitable nor very fair to the other House to say that they are lacking in authority to be there on the ground of representation.

Coming to our own Constitution, what is the position of the two Houses under the provisions of our own constitution? I need not go into details on this point as in this House all of us are aware what the provisions are. However, I would just quote article 105 (3). It deals with the powers, privileges and immunities of the two Houses. And what does this clause say?

> "In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

[Shri V. B. Gandhi]

Here, both the Houses are placed on an equal status in every respect, in respect of powers, privileges and immunities. Here are these two Houses, and about the other House there is a kind of attitude and certain very unfortunate expressions are being used in this House. I am quite sure all of us on this side of the House certainly do not approve any Member of our House calling Members of the Council of States "outsiders." That was a very unfortunate expression to be used in this House with reference to Members of the other House.

Under article 249, as an example, we can find what a real power in certain specific matters the other House has. If we in the national interest ever want to legislate with respect to a matter in the State list, under aricle 249, this House will first have to obtain the consent of the Council of States. And we can only act as long as the Council of States is pleased to continue to give us that consent. Such is the reality of the power that this Constitution has given to the other House.

It appears to us that this whole attitude, this whole approach, to this question as it has come from the other side can sometimes also be psychological, some kind of a fear, sub-conscious perhaps, unexpressed, but a fear that step by step the other House may gain supremacy over this House. But I think a little reflection will tell us that the powers that this House has are real. So long as this House continues to have the power of the purse, so long as the existence of Government is made dependent upon the vote of confidence of this House, we should have absolutely no complex, no fear of any kind.

Coming to rule 196 of the Rules of Procedure, of course, there appears some difficulty. But given the will, we do not believe that this difficulty can be a major one and if a choice has to be made between the changing of a rule and denying of a right or refusing the desire of the other House to serve, I am quite sure which way the choice of this House will lie.

Finally, confident, therefore, in our own status, we can and we want to be just to the Council of States.

Mr. Deputy-Speaker: Mr. Raghuramaiah.

Shri A. P. Sinha (Muzaffarpur East): How long will the debate continue, Sir?

Shri Gadgil: It was decided yesterday.

Shri A. P. Sinha: We have heard so many speeches. There is no time left for further speeches.

Mr. Deputy-Speaker: Originally we had fixed it for six o'clock. And then inasmuch as I got a chit from Mr. Gandhi, barring the Leader of the House, I adjusted it. Had I known that many others wanted to speak on this side, I would have called one by one and regulated it. We shall sit till 6-30.

Shri A. P. Sinha: How can it be?

Mr. Deputy-Speaker: Shall we sit till 6-30?

Shri Jawaharlal Nehru: I am in your hands, Sir. As a matter of fact, it was fixed at six and many people have made engagements after six. But it is for the House to decide.

Dr. Lanka Sundaram: May I make a suggestion, Sir?

Shri Raghuramaiah: I do not want to stand in the way if the House desires closure of the debate.

Dr. Lanka Sundaram: May I make a submission, Sir?

Shri Jawaharlal Nehru: I have listened naturally with the greatest respect and attention to what has been said on this motion and I hope I have profited by it. But that profit, I do not think, is related much to this motion, but to the general aspects of the Constitution.

I have felt that much that has been said, though perfectly true, has little relevance. Great stress is laid on the powers of this House, as if somebody was challenging them or perhaps making an attack on them; There is no doubt about what the powers of this House are in regard to money and financial matters. It is on that basis that we proceed. There the matter ends. Let us talk no more about it.

The second point is, whether this innovation—if you like—that my motion suggests interferes with those powers in any way. If it interferes with those powers, then it is a wrong motion. I accept that position. If it is likely to interfere with those powers, then we should be wary and see it should not do so. I accept that position. Why then this lengthy argument? In so far as the Public Accounts Committee is concerned, it is a creature of the rules, not of the Constitution. Rules, of course, can be changed, if we so will. The rules lay down, among other things that the Chairman of the Committee shall be appointed by the Speaker. That is number one. The Chairman, of course, has a casting vote. The Speaker may, from time to time issue such directions to the Chairman of the Committee as he may consider necessary, for regulating the procedure and the organisation of its work. On any doubts arising on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final. Therefore, the Speaker plays a very important part in this. Nobody is seeking to diminish the authority of the Speaker given in these rules. If that is so, then I really do not understand where the difficulty arises, except something at the back of some Members' minds that this is some kind of a thin end of the wedge, and we do not quite know where this will lead us.

Well, it is a little difficult to deal with vague suspicions, suspicions also which flow not from anything in our Constitution but from some distant background knowledge of English history. Obviously, our Constitution is different. It may be similar in regard to certain Money Bills and others, but obviously, as an hon. Member said, our Council of States is something entirely different. It is envisaged as something different from the House of Lords. Whether in the dim future we have a second chamber or not, we are not considering. But the whole conception of the second chamber here was not an ineffective second chamber, not an unrepresentative second chamber, but a representative one, representing the country in a different way representing it by election, not by nomination or by birth representing it by election—partly indirectly and partly directly. The Council of States is partly there by direct election and partly by indirect election by those who have been elected in the State Assemblies. (*Interruption*).

Shri S. S. More: Nominated.

Shri Jawaharlal Nehru: There are a few nominees. For instance, the President has nominated some Members of the Council of States who, if I may say so, are among the most distinguished, taking everybody in Parliament altogether—it is true, distinguished in arts, sciences etc.—and our Constitution in its wisdom gave that. They do not represent political parties or anything, but they represent really the high water mark of literature or art or culture or whatever it may be. That is a small matter. In effect, the Council of States is supposed to represent the States, as the name says so, through the State Assemblies or otherwise through local bodies or Universities or whatever it may be. Now, it may be improved upon or not. That is immaterial. But it is a definite and important wing of our Constitution, as it has been envisaged.

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It is perfectly true that in regard to financial matters its powers are strictly limited. Or rather those powers vest in the House of the People There the matter is and it is not open to argument here or there. Nobody can say—I say so naturally—nobody here will say that by any special virtue as individuals or otherwise, Members of that House are inferior, or superior, or not as good or as bad as Members of this House. Some may be good in our opinion and some may be bad; that is immaterial. But what I mean is this: they do not represent a particular class or group; they come from the same classes and groups of political opinion as Members of this House. There is no difference of that type and it is desirable obviously that Parliament consisting of these two Houses should function in a smooth way, in a co-operative way and that each should have as much opportunity to co-operate with the other as possible. It was for this reason that we decided to have Joint Select Committees for particular Bills, wherever possible. Many of the arguments raised today may well be raised in regard to those Joint Select Committees. Not all; I say many of them can be raised. They would not apply as those arguments do not apply in this case either. We have Joint Select Committees because it is convenient, because it is desirable for us to have them. Bills, except Money Bills etc. go up to the other House, they are considered there and in order to avoid some cumbersome procedure which may have to be gone through again and again we have Joint Select Committees. We at least get theorised more wisdom also.

Shri S. S. More: Can we have a Joint Select Committee on a Money Bill?

Shri Jawaharlal Nehru: Apparently the hon. Member has not followed me. I said that. Therefore, there is no essential divergence in this matter, that is in a joint consideration of things. If you exclude the financial aspect and the Money Bills, where is the difficulty? So far as the Public Accounts Committee is concerned. It mainly deals with scrutiny of expenditure. It is quite clear that it does not deal with any other aspect which is the particular purview of this House. The Estimates Commit-

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tee might. Therefore, so far as the Estimates Committee is concerned, we have kept it apart. This proposal is not made in regard to the Estimates Committee.

There is just a possibility that in regard to—some hon. Member said—censure or something like that—an attempt to censure or cast blame on a Minister or a department of Government, I am not clear at the present moment—it may perhaps be considered a peculiar privilege of the Members of this House only. Censure of a Minister in that way and in many other ways is the privilege of this House. But, surely to point out an irregularity in accounting or in expenditure is not the peculiar privilege of anybody. Any person in the public street can do so. Of course, what effect it will have is another matter. It really does not matter whether some of the Members of the Public Accounts Committee differ. Ultimately that point has to be decided by this House. Nobody is going to limit the powers of this House in that respect. But even so, going a little further, that is a question that can be regulated even by rules. There is no peculiar difficulty; the rules have been framed by us. They can be framed to provide for that too, to provide for any contingency. There is really no difficulty in so far as I can see, except this great fear in our minds that something might happen. I really do not see why something might happen and how it should happen, because in the whole texture of our Constitution, the power of this House in the ultimate analysis is greater—whether it is when you meet together in joint session or in other ways, your numbers are always greater. Therefore, I do not fear it. Let us presume that some attempt at an invasion of the prerogatives of this House takes place; well, it should be considered as such. But, why for fear of that not do something which appears reasonable and desirable to do? Surely, that is not a reasonable way of approach to this problem.

The hon. Member opposite talked about compromise. Is it we are compromising with somebody in order to pour oil over troubled waters? He said that. I want to make it perfectly clear that this motion is not put forward as a kind of sop to anybody or as a compromise. It is put forward because it was considered desirable and workable and, as I hinted at it yesterday, the matter came up before us roundabout a year ago. We discussed in various ways and were generally of the opinion that this should be done. But we did not wish to hurry; there has been the least hurry in this matter. The hon. Member said that we are trying to rush this. I have no desire to rush this at all. But, in my mind there is no sense of hurry because we had dilly-dallied with this problem for nearly a year, and as was natural, the person whose approval and general advice was quite essential in this matter was the Speaker. His advice was taken and the matter was referred to him and discussed with him. That took some time. As the House well knows, the Speaker was unwell for a long time and I did not wish to do anything at all till he was back at his place. All that led to those delays. Anyhow, there was no question of rushing through and there was no question of compromising something or in order to soothe the ruffled feelings of somebody else.

Then again, something has been said about associate Members. Who are these associate Members? The motion is a very simple one, inviting the Council of States to associate seven of its Members with this Public Accounts Committee. It is not for us to say how the Council of States will choose them. It is patent that they will choose them by election; they cannot choose them in any other way. We know that it is for them to decide. Naturally, they will choose election by proportional representation and all that. If they come to the Committee, as the major function of the Committee is scrutinising, there is no question of two grades of Members. They have the same grade and status. If any question arises—at the moment it is not in my mind—if any question arises which is the peculiar purview of this House, then that matter shall not be dealt with by them. If necessary, rules may be framed. There is nothing to prevent us doing that, to make things clear. Normally, that does not arise; it is a rare thing. But, there is no reason why we should be afraid—if I may use the popular word—of being bamboozled by somebody and forget our own rights and privileges. So I submit there is nothing that we need be frightened about. This is not any question of compromise in a bad sense of the word, doing something that we consider not good in order to gain, may be something else.

It is true it is my desire and I think it should be the desire of the House to cultivate to the fullest extent possible co-operation and friendly relations with the other House, because in the nature of things and in the nature of the Constitution that we have, if we have not got co-operative relations, each can hamper and delay public work. There is no doubt about it. Each has the capacity for good certainly, but also for delay, and for just irritating and annoying, by delaying tactics, the other House. The conception of the Constitution is that Parliament is an integrate whole. I regret, as my hon. friend on this side regretted, describing a Member of the other House as an outsider. In a narrow sense you may use that but the conception behind it is not a happy one and we are all joined together in Parliament, shouldering the burden of Parliament, and looked up to by the people of India. If we do not co-operate with each other, what kind of lesson do we teach to the people of India? What will our States do? The whole structure of federal Government here requires the co-operation of not only both the Houses, but of the Central Government and the Governments of the States, between the State Councils and the State Legislative Assemblies. The background is one of co-operation everywhere. But the background is one of co-operative effort. Otherwise the constitutional machine of India creaks; it does not go fast and may be here and there it breaks down. There is some provision in the Constitution by which the President can take over the administration of a State, in case of failure of the normal constitutional machinery. But neverthless those are unusual provisions and unusual procedures. The real thing is the co-operative effort among these and it is important that we at the top in these two Houses of Parliament set the pace. If we do not do it, obviously others will not do it. That is an important consideration. This is not an attempt at soothing, or presenting a sop, or a compromise. I do submit that the motion that I have made does not in the slightest degree infringe on the powers or the authority of this House, but it is a desirable thing from the point of view of cooperative effort of the two Houses, from the point of view of showing an example to the others, other countries and other Parliaments, as to how this complicated structure of our Constitution can be made to work smoothly and effectively and with goodwill.

One thing has struck me, I am free to confess. Although I have said it was not my intention to rush through this motion, some hon. Members seem to have felt so. One hon. member said something which surprised me very much. He seemed to think that this motion had some secret motive behind it to get more Members of the Congress Party from the other House on the Public Accounts Committee. That surprised me very much because the Members of the Houses will be represented on the Committee in the proportion that there are parties there. It is not going to be by nomination by one party; or by election of only one party's Members. That question does not arise. It depends on what type of Members there are and the groups there are.

Shri Raghavachari: It will not be so subsequently; it will be so only at the first election.

Shri Jawaharlal Nehru: It is rather a remarkable thing; the conception of democracy that some people sometimes lay stress on. It is said sometimes in this House, sometimes outside the House, sometimes in foreign countries, that in India they have got a one-party system. Why? Because one party happens to have a considerable majority. It is a very extraordinary idea of describing this as a one-party system. Because in a vast General Election one party gets a majority here and in all the States, it is a one-party system. Thier idea perhaps is that we should break our heads and we should have a ten-party system as some countries may have. That may be considered a better democracy.

Hon. Members on the other side say that we are using our majority for this purpose and that. Of course, we are. What is the majority for?—not to bow down to the minority. And the majority, in spite of what hon. Members on the other side may say, represents the majority of the People of India. There the matter ends. That is democracy.

But I do submit that this is not a party matter, of course, and I do not wish it to be treated as a party matter. I entirely agree with hon. Members opposite who said that this should not be treated as a party matter. I did not bring it forward as a party matter; nor did I have the least desire to rush it or push it through the House, or give an impression to this House or anyone outside this House that a matter which some Members thought raised various constitutional points and difficulties was rushed through without having been given adequate thought or adequate consideration. Well, I have no doubt about this matter in my mind and I regret to say that the arguments advanced by hon. Members opposite have not convinced me to the contrary. Because, as I said just now, whatever possible difficulties you might have can always be got over by variation of the rules, if necessary. Even so, I am pre-

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pared—if that is the wish of the House and if the House permits me—to postpone further consideration of this matter to the next session, so that all hon. Members on the other side, as well as others, may have the fullest time to give it their thought and consideration and then we can decide.

Mr. Deputy-Speaker: In view of the statement of the hon. the Leader of the House, this matter will stand adjourned.

The House then adjourned till a Quarter Past eight of the Clock on Tuesday, the 14th May, 1953.